



Facilitators Curriculum
For the Illinois Judicial Performance
Evaluation (JPE) initiative
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FACULTY GUIDE

CURRICULUM OVERVIEW FOR PLANNERS AND FACULTY

The Judicial Performance Evaluation (JPE) Facilitator Curriculum provides basic information for planners and faculty responsible for delivering facilitator training for judicial leaders participating in the JPE Project.

This curriculum includes a faculty guide and materials for use in a 1-day workshop and distance-learning refresher course. The 1-day workshop provides participants with an orientation to the Illinois JPE process, a thorough understanding of the survey instrument, and skill development on delivering performance feedback interviews.

The Workshop section of this Curriculum Guide includes an overview addressing faculty qualifications, target audience, and learning objectives; agenda; faculty guide; PowerPoint slides; and participant materials including readings and references.

The distance-learning course provides trained facilitators with an ongoing resource including detailed information on the JPE survey instrument and refresher training on facilitating performance feedback.

FACULTY QUALIFICATIONS

Faculty who teach the facilitator workshop should have significant experience in adult education within the court environment. Faculty should possess extensive knowledge and experience in performance appraisal and know how to teach these fundamentals in ways that are applicable to courts and their leaders. Faculty should possess a familiarity with the history and structure of the JPE survey instrument, data collection and analysis. While this course applies theory and concepts to court organization, it has a fundamental “applications” orientation. Participants should leave with the knowledge, skills and abilities of how to perform a performance feedback interview. This means that the best faculty will be those who can relate theory to practice.

The workshop includes extensive group participation and discussion. Since this course is fundamentally about improving the quality of performance evaluation interviewing, it is extremely important that faculty model sound adult education principles and techniques. They should be skilled facilitators, good listeners, effective presenters and able to lead small group activities.

TARGET AUDIENCE

The Workshop is intended for experienced jurists possessing exceptional interpersonal communication skills, are current in the developments within the judiciary, and exhibit professionalism and a reflective attitude. Participants should be capable of serving as an exemplar, advisor, and provider of moral support, as well as serving as the facilitator of a performance appraisal process. At the outset, participants should possess the following experience and attributes:

- Minimum 5 years on the bench;
- Reputation/stature in the Judiciary;
- Commitment to judicial education (active involvement in education committee and/or judicial mentoring programs); and
- Adequate time to fulfill the facilitation responsibilities.

LEARNING OBJECTIVES

The goal of this curriculum is to develop participant's knowledge, skills and abilities regarding the role of facilitators in supporting the JPE Program. After completing this training, participants will:

- understand the function and importance of performance evaluation within the judicial branch of government,
- know the process for completing the performance evaluation interview,
- possess and in-depth knowledge of the judicial performance survey instrument and have the ability to interpret and communicate results,
- discover techniques to critique constructively, so that judges will feel open to discussing problems and potential options for professional development;
- demonstrate one on one coaching skills, active listening, and other interview techniques,
- demonstrate skills for dealing with difficult facilitation interview situations, and understand ways to identify educational needs based upon the evaluation process,
- understand the importance of confidentiality,
- model a devotion to judicial excellence through the process of performance evaluation and ongoing judicial education.

WORKSHOP OVERVIEW

The workshop is designed to cover two basic competencies. *Section One* focuses on understanding the judicial evaluation goals and process. *Section Two* focuses on developing effective facilitation skills.

There are three group exercises during the workshop designed to provide participants ample time to practice interviewing, facilitating feedback, and coaching techniques. Detail instructions can be found in Tab III.

The *Instructional Outline* section of the Faculty Guide includes the substantive content and training notes for each topic. The topics are sequenced in the order that they appear in the *Sample Class Schedule* in Tab I.

The *Instructional Outline* follows a column format. For each topic, the left column contains the substantive content for the presenter to cover and a reference to the appropriate PowerPoint slides that apply to each topic. The right column consists of training notes that suggest instructional activities for the presenter and participants.

Of course, the *Instructional Outline* is not intended to constrain faculty members. For each topic, a faculty member may add, delete, or modify the substantive content to reflect the experience and knowledge of the faculty member and participants. Furthermore, each faculty member can adjust the learning activities suggested in the training notes to meet the faculty member's teaching style and the needs of the participants. Finally, the faculty notes are designed as a reference, not a script.

INSTRUCTIONAL OUTLINE

WELCOME AND INTRODUCTORY REMARKS [15 minutes]

Presentation Content	Training Notes
Slide #1 - Introductory Slide.	Welcome participants to the JPE Facilitator workshop provided by Justice or designee.

INTRODUCTIONS AND JPE OVERVIEW [45 minutes]

Presentation Content	Training Notes
Slide #2 - JPE Program Overview.	<p>Refer participants to <i>Learning Objectives</i> in TAB I of Participant Notebook. Give the participants an overview of the program, as follows:</p> <ul style="list-style-type: none"> A. Review the objectives of the JPE facilitators training program. B. Introduction of faculty members. C. Briefly highlight the major portions of the schedule. D. Cover the logistical details, such as meal arrangements, other meeting rooms, etc. E. Ask participants to introduce themselves.
Slide #3 - JPE process.	<p>Discuss the JPE program process:</p> <ul style="list-style-type: none"> • Process Overview • Timeframes • Scheduling the Meeting • Confidentiality
Slides #4- JPE goals.	<p>Discuss the JPE program goals:</p> <ol style="list-style-type: none"> 1. Monitoring Performance 2. Professional Development 3. Gap Closure and Improved Performance 4. Coaching: Addressing Performance Issues 5. Motivation and Goal Setting

<p>Slides #5- Confidentiality.</p>	<p>Discuss the importance of confidentiality:</p> <ol style="list-style-type: none"> 1. The Supreme Court’s JPE program is premised on confidentiality, consistent with its goal of judicial improvement 2. Supreme Court Rule 58 states “the disclosure of evaluation information would be counterproductive to the goals of the evaluation program, reduce the free flow of comment, and result in termination of the program” 3. Evaluation data are NOT shared with the public, NOR used for bar association or judicial rankings 4. Only the evaluated judge and a trained facilitator see survey results
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A MODEL FOR PROMOTING ADULT DEVELOPMENT: THE JOHARI WINDOW [30 minutes]

Presentation Content	Training Notes
<p>Slide #7 - The Difference Between Evaluation and Feedback.</p>	<p>This session will present:</p> <ul style="list-style-type: none"> • Difference between evaluation and feedback • A model for promoting adult development <p>Start the session by asking participants for their experience with performance evaluation (or appraisal) in their careers. Was it a traditional approach, characterized by being top down? Observe that the JPE system aims to improve the performance of individual judges and the judiciary as a whole. After judges have reviewed their survey summaries, they will be encouraged to discuss the information with the facilitators. Facilitators, in turn, are expected to provide this feedback openly and constructively. Structuring these feedback sessions to create a receptive learning environment is critical, and particularly challenging in an atmosphere lacking a high degree of trust. Performance evaluation, regardless of the competencies being assessed, reflects the</p>

<p>Refer participants to the <i>Johari Window</i> in their materials.</p> <p>Slides #8-#12.</p>	<p>perceptions of others. In the judiciary, where so much of the work is based on objectivity, the intangible <i>beliefs</i> and unsubstantiated views of others are easily dismissible. Lack of trust, fear of failure, and of change itself can prevent judges initially from hearing and acting proactively upon the information.</p> <p>Discuss the aim of the JPE towards supporting professional development. Explain how the Johari Window model is a simple and useful tool for illustrating and improving self-awareness and professional development. The process of giving and receiving feedback is one of the most important mechanisms for behavioral change. The concept is clearly related to the ideas propounded in the <i>Myers-Briggs Type Indicator</i> program, which in turn derive from theories about the personality first explored by psychologist Carl Jung.</p> <p>Discuss the four rooms of the Johari Window:</p> <ol style="list-style-type: none">1. Open Section: <i>Information available to others and me around me.</i> This area needs to expand, and does so through self-exposure (sharing aspects of my hidden or secret self with others), through receiving and integrating feedback from others about my <i>blind side and through making the unconscious conscious.</i>2. Hidden Self: <i>The part of me I choose to hide from others.</i> It may be my spirituality, my politics, or feelings of guilt or shame. We keep hidden what we fear judgment or rejection about—aspects of our sexuality, fears, anger. We cannot be known or loved by others until we accept all aspects of ourselves and share them with significant others in our lives.3. Blind Side: <i>The part of me others see easily but I cannot.</i> Sometimes our best traits and obvious virtues exist here (cf. Jung’s concept of the shadow), as well as aspects of our behavior that can be irritating and cause distance between us and others. We can only learn to see these aspects of self with the help of others and the grace of our willingness.
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	<p>4. Undiscovered Self: Aspects of my personality that are unavailable to others and myself.</p> <p>These become known to us through the experience of sudden insights (Aha!) and through exploring fantasies, dreams, family and cultural archetypes. To do the work of uncovering the depths of ourselves, it is wise to seek the help of a competent guide—a skilled therapist or spiritual director. The process of individuation described by Jung is the careful and persistent practice of attempting to make the unconscious conscious. The Socratic admonition “Know thyself” is what the wise people among us are always trying to do.</p>
<p>Slide #13 – Adult Development</p>	<p>Discuss the desired direction of adult development, tying the JPE process to judicial education. Self-disclosure: the process of enlarging the open quadrant vertically. People exchanges ideas and build trust among them. Feedback: receive feedback from others to eliminate the blind quadrant. This can enlarge the open quadrant horizontally. Self-discovery: the process of enlarging the hidden area horizontally. Try to know one’s self without letting others know it. Shared discovery: the process to increase open area by inviting others to comment on your blind quadrant.</p> <p>-</p> <p>The application of the Johari Window comes in opening up the public area, so making the other three areas as small as possible. This is done by regular and honest exchange of feedback, and a willingness to disclose personal feelings. People around you will understand what "makes you tick", and what you find easy or difficult to do, and can provide appropriate support.</p>
<p>Slides # 14- – Defensive Hostile Judge.</p>	<p>Often defensiveness can be a response to challenges to our hidden or unknown selves. The goal of the facilitator is to redirect the defensiveness toward an attitude of acceptance for one’s personal and professional development.</p>
<p>Slides # 15 – Summary Slide</p>	<p>Question and Answer</p>

DATA COLLECTION [30 minutes]

Presentation Content	Training Notes
<p>Slides #16-23 - Data collection, analysis and report development process.</p>	<p>This session will focus on:</p> <ul style="list-style-type: none"> • Identifying Judges for evaluation • Notifying Judges • Notifying nominees • Data analysis and report production <p>Question and Answer</p>

SURVEY INSTRUMENT [45 minutes]

Presentation Content	Training Notes
<p>Slides #24-40 - Survey instrument.</p> <p>Refer participants to <i>Sample Survey Instrument</i> and <i>Evaluation Report</i> in their materials.</p>	<p>Introduce the survey instrument. Explain:</p> <ul style="list-style-type: none"> • How the survey was designed • Key features of the survey • Describing and interpreting the survey results • How to integrate qualitative and quantitative data <p>Question and Answer</p>

KEYS TO EFFECTIVE FACILITATION [30 minutes]

Presentation Content	Training Notes
<p>Slides # 41-49 - Essentials Of Feedback Processes.</p>	<p>This session will address:</p> <ul style="list-style-type: none"> • Common facilitation problems • How to prepare and conduct the meeting • The fundamentals of effective feedback • Empathic listening • Listening roadblocks • Dealing with difficult situations. <p>Feedback refers to the process of giving someone accurate</p>

information about the impact of his or her behavior on you, other people, and/or the completion of a task. We give feedback all the time, it is the method we use to change behavior, improve performance, deal with stress, and enrich relationships. To be helpful, feedback intends to (a) motivate the receiver to continue effective behavior; (b) supply information that will help solve a problem; (c) enable the person to become more effective. The feedback process is a mutual exchange in which some level of trust is established, the recipient of the feedback is open to hearing and receiving the input, and the feedback-giver is intending to be helpful. Good feedback is analogous to holding up a mirror so that individuals can see themselves as others see them. This can help them learn how their actions have been affecting others. The feedback-giver offers perceptions and describes feelings in a nonjudgmental manner, so that recipients can use what they find appropriate for change.

GUIDELINES FOR GIVING FEEDBACK:

1. *Examine your own motives. Be sure your intention is to be helpful.*
2. *Consider the receiver's readiness to hear your feedback. Feedback is most useful when someone seeks it, rather than when it is volunteered.*
3. *Be descriptive rather than evaluative. Use your best skills to name the reality without blame or judgment. (E.g., "You interrupted me and that frustrates me, because I lose track" is descriptive; "You were rude" is evaluative.)*
4. *Deal in specifics, not generalities. Global statements do not help in identifying the specificity of the behavior. (E.g., "You interrupted me when I was talking." rather than "You try to hog all the air time.")*
5. *Offer feedback; do not try to impose it. Feedback is ultimately a gift that a person can choose to explore, change, or ignore. The one giving the feedback must remain unattached to the outcome.*
6. *Offer feedback in a spirit of tentativeness. Feedback is one person's experience, that of the one giving the feedback. It is truth as that one person experiences it. One person's experience is not ultimate truth, so the*

<p>Refer participants to <i>Rubric For Facilitation Competencies</i> in their materials.</p> <p>Slide #45 – Effective Facilitation Skills: The Rubric</p>	<p>humility of acknowledging that goes a long way with the one hearing and receiving the feedback.</p> <p>7. <i>Avoid overload. Discern what is most important, changeable and helpful. Acknowledging your own care for the receiver helps in monitoring overload.</i></p> <p>Discuss the purpose of the Rubric in developing fundamental facilitation skills:</p> <ol style="list-style-type: none">1. Attending Skills: Attending is giving your physical attention to another person. It includes non-verbal communication that indicates that you are paying careful attention to the person who is talking. Attending skills include a posture of involvement. Appropriate body motion, eye contact, and a non-distracting environment.2. Following Skills: Four following skills foster effective listening: door openers, minimal encouragers, open questions, and attentive silence.3. Giving Feedback4. Reflecting Feelings and Content/Meaning5. Fostering Immediacy and Relevance6. Use of Silence, Confrontation, and Self-Disclosure <p>The art of good listening involves the ability to respond reflectively. In a reflective response (skills 3-5) the listener restates the feelings and/or content of what the speaker has communicated, and does so in a way that demonstrates understanding and acceptance.</p> <p>Lead a discussion concerning the potential difficulties of judicial performance evaluation. Discuss methods for dealing with the defensive or hostile judge.</p> <p>Close with summary, and open up for questions.</p>
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LUNCH BREAK

CONDUCTING THE FEEDBACK INTERVIEW: TRIAD EXERCISE INSTRUCTIONS AND DEMONSTRATION [30 min.]

Presentation Content	Training Notes
<p>Slides # 51-52 - Triad Instructions. Refer participants to <i>Triad Session #1 Handout</i> in materials.</p> <p>Refer participants back to the <i>Rubric For Facilitation Competencies</i> in their materials.</p>	<p>Introduce the Triad Exercise. Explain that participants will develop skills in handling performance evaluation interviews by working in triads. Triads are powerful tools that invite participants to isolate and practice communication skills and obtain direct feedback from partners about specific skills.</p> <p>Explain the activity:</p> <p>Faculty will divide the participants into groups of three (Triads). For each triad there will be three listening periods, giving each triad member the opportunity to be in all three of the roles of <i>judge</i>, <i>facilitator</i>, and <i>observer</i>.</p> <ul style="list-style-type: none"> • The facilitator verbally shares the feedback from the sample survey summary provided. • The judge listens to the facilitator and engages in dialogue according to the role-play card provided. • The observer listens, observes, and using the Rubric provided in the materials offers feedback to the person who is listening or practicing the skills; aims to be specific and direct both in affirming and offering constructive criticism; notifies the facilitator and judge listener when there are two minutes left in their session, and then again when time is up. <p>Faculty will direct the participants to first choose who will be the <i>judge</i>, <i>facilitator</i>, and <i>observer</i>. Participants should arrange chairs so that the facilitator and judge are facing one another. The observer should be sitting facing both the judge and facilitator, slightly at a further distance than the two role players.</p> <p>As Faculty describe the Triad Exercise, faculty will enact a brief demonstration of the process, or show the Role Play Video Vignette # from the distance learning course.</p>

TRIAD Session # 1 [45 minutes]

Presentation Content	Training Notes
<p>Refer participants to <i>Triad Session #1 Handout</i> in materials. Slide # 53. Distribute Handout 1B to each designated “judge”.</p> <p>Refer participants to the <i>Rubric For Facilitation Competencies</i> in their materials.</p> <p>Slide #54 - Summary of things to remember.</p>	<p>Introduce Triad Session #1 with the following Instructions:</p> <ul style="list-style-type: none"> • Facilitators will practice attending and following skills, using questioning when appropriate. • The judge engages in dialogue according to the role-play card provided. • Observers limit observations to the <u>first two skill sets</u> on the Rubric: <i>Attending Skills, and Following Skills.</i> <p>After the role-play, the observer will facilitate a small group discussion, first asking if the speaker (judge) felt heard and then giving feedback on how well the listener (facilitator) employed the targeted skills.</p> <p>Faculty will close out the session by answering questions and leading a discussion emphasizing the importance of key facilitation skills.</p>

TRIAD Session #2 [45 minutes]

Presentation Content	Training Notes
<p>Refer participants to <i>Triad Session #2 Handout</i> in materials. Slide #55. Distribute Handout 2B to each designated “judge”.</p> <p>Refer participants to the <i>Rubric For Facilitation Competencies</i> in their materials.</p>	<p>Repeat process above for the second Triad Exercise. Introduce Session #2 with the following instructions:</p> <ul style="list-style-type: none"> • Facilitators will practice giving feedback and reflecting feelings and content. • The judge engages in dialogue according to the role-play card provided. • Observers limit observations to the <u>third and fourth skill sets</u> on the Rubric: <i>Giving Feedback, and Reflecting feelings and content/meaning.</i> <p>Faculty will close out the session by answering questions and leading a discussion emphasizing the importance of key facilitation skills.</p>

TRIAD Session #3 [45 minutes]

Presentation Content	Training Notes
<p>Refer Participants to <i>Triad Session #3 Handout</i> in materials. Slide #56. Distribute Handout 3B to each designated “judge”.</p> <p>Refer participants to the <i>Rubric For Facilitation Competencies</i> in their materials.</p>	<p>Repeat process above for the third Triad Exercise. Introduce Session #3 with the following instructions:</p> <ul style="list-style-type: none"> • Facilitators will practice giving feedback and reflecting feelings and content. • The judge engages in dialogue according to the role-play card provided. • Observers limit observations to the <u>fifth and sixth skill sets</u> on the Rubric: <i>Fostering Immediacy and Relevance, and Use of Silence, Confrontation, and Self-Disclosure</i>. <p>Faculty will close out the session by answering questions and leading a discussion emphasizing the importance of key facilitation skills.</p>

CONCLUDING COMMENTS, QUESTION AND ANSWER [15 minutes]

Presentation Content	Training Notes
<p>Refer Participants to contact information and distance learning site for ongoing training and assistance. Concluding Slide #57.</p>	<p>Open up the discussion for any unresolved issues, concerns and questions.</p> <p>Conclude by providing participants with a summary of the workshop accomplishments and appreciation for participating in <i>JPE Facilitator Training</i> program.</p> <p>Adjourn.</p>

HANDOUT 1

PERFORMANCE INTERVIEW TRIADS ROLE PLAY PROMPT

The Honorable Judge A

Judge A is an experienced judge with over 15 years of experience on the bench. Respected by colleagues, staff and the local bar, Judge A is well known in Illinois as a judicial leader. Judge A scored in the top or middle percentile for all five categories: (1) legal and reasoning ability, (2) impartiality, (3) communication skills, (4) professionalism, and (5) management skills.

Judge A is supportive of the Illinois Judicial Performance Appraisal process and looks forward to meeting with the facilitator.

To assist in preparing for the role play, focus on the comments on pages 4, 6, 8, 10 and 12 in the Report for Honorable Judge A.

HANDOUT 1

JUDGE A Attorney

Legal ability

Even in those cases where I thought her ruling might be incorrect, Judge A had a sound legal basis for her ruling and relevant case law that supported her position.

Judge A read the briefs carefully. She showed a command of the issues. Her decision correctly applied controlling precedent.

Judge A is able to determine the relevant issues in a case and cite the applicable case law. Her legal reasoning is excellent.

Judge A is very knowledgeable of the law and ensures that there are no misunderstandings of her rulings. She makes very clear rulings.

Impartiality

Judge A does not play favorites or act in a partial fashion.

The ultimate impartial judge. Bases her rulings on the facts and evidence and is not swayed by emotion or what she thinks the law should be. All sides start off on an even field and she often gives helpful insight to both sides to crystallize the issues.

Professionalism

Once again, Judge A has always been courteous, professional and respectful to parties, attorneys and all persons appearing before her.

Judge A runs a smooth courtroom. She treats everyone with respect. She is professional at all times. She is patient and always has a good demeanor.

Communication skills

No attorney can come away from this Judge's court feeling he or she has not had an opportunity to be heard. This is a most attentive judge.

Judge A is articulate, clear in her thinking and direct in her rendering of a decision. She does not waffle and all parties appear to understand her rulings the first time.

Management skills

Runs a courtroom that moves efficiently and with an understanding that sometimes lawyers can't be in two places at once. Highly recommend her in every respect.

Judge A exhibited a "hands-on" management style when she deemed it appropriate. She maintains control of the case at all times.

HANDOUT 1

JUDGE A Court Personnel

Legal ability

Judge A seems to research the Judicial Rules frequently. The clerk's office comes to her with questions as to what the appropriate protocol or sequence of filings and sending notices and she is very approachable and willing to help.

Impartiality

I've always seen Judge A be extremely impartial in every proceeding I've participated in. Judge A is the definition of impartiality. She makes everyone feel comfortable in her courtroom. She shares lighthearted moments with both sides. I feel she does this to put everyone at ease.

Professionalism

I wish more judges would conduct themselves like Judge A. Even when there is a disagreement in the courtroom with the parties or the court, the tone is always civil and respectful.

During my time in Juvenile court it has been a pleasure to work with Judge A. Judge listens to problems, helps with decisions, and is always respectful and courteous towards clients and officers.

Communication skills

She is very good at explaining her reasoning and rulings to the citizens in her courtroom. Judge A always speaks in a succinct and direct manner. She projects her voice well and there is never a problem hearing or understanding what she says.

Management skills

Judge A sets firm deadlines and asks attorneys to follow them. When you have not followed an order if you have a reasonable excuse the judge will at least entertain your request for additional time before ruling.

She does a very good job maintaining her caseload. She settles a lot of cases and tries the ones that can't be resolved. She gives the attorneys all the time they need on pretrial motions, etc.

HANDOUT 2

PERFORMANCE INTERVIEW TRIADS ROLE PLAY PROMPT

The Honorable Judge B

Judge B has one year of experience on the bench. Well liked by colleagues, staff and the local bar, Judge B enjoys being a judge but often feels overwhelmed by the caseload. Judge B received a wide range of scores for all five categories: (1) legal and reasoning ability, (2) impartiality, (3) communication skills, (4) professionalism, and (5) management skills; however in the areas of **Management Skills** Judge B scored in the bottom 25% for twelve items.

While supportive of the Illinois Judicial Performance Appraisal process, Judge B is not sure what to expect from the meeting with the facilitator.

To assist in preparing for the role-play, focus on the comments on pages 4, 6, 8, 10 and 12 in the Report for Honorable Judge B.

HANDOUT 2

JUDGE B Attorney

Legal ability

I do not believe the judge has a strong background in commercial/civil practice and could use some work in this regard.

It seems to me that the Judge stays current on recently reported Appellate court decisions. She is lacking in legal ability and intellect as a starting point, so the results are generally what you would expect given that background.

Judge B did not, at the time of my case, have significant experience in family law, but handled this post-dissolution case well.

Impartiality

Judge B is completely impartial and treats all sides with respect.

Judge B always kept an open mind about the issue before her and always came to a decision adequately supported by the law irrespective of who presented it.

Professionalism

Very, very professional. The biggest weakness was her failure to communicate with the parties to try to resolve the matter.

The judge is very professional and makes you feel welcome in her courtroom.

Communication skills

The judge sometimes seems indecisive or unsure when talking through rulings, but ultimately the rulings are always decisive and well grounded.

Management skills

Judge B was simply too passive with respect to presiding over complex motion arguments.

HANDOUT 2

JUDGE B Court Personnel

Legal ability

Judge B has continued to grow in both her legal and reasoning ability.
Does not seem confident in above areas.

Impartiality

Judge B bent over backwards to allow both parties to present all materials and arguments they deemed relevant.

Professionalism

Judge B really demonstrates a strong sensitivity to cultural, age, gender and disability issues.
Judge B is a nice judge - everyone generally likes her. Occasionally she engages in behavior that is too friendly for the bench.

Communication skills

Sometimes the judge explains too much to jurors. Something could be said in a sentence and she will give a paragraph, then an example, and then another paragraph.
She seems to be good about communicating with the guardians and family members, and makes a point to show an interest in the well being of the wards.

Management skills

All of these questions reflect on Judge B's poor courtroom management and staff management skills. She is just too nice. Sometimes you have to be the bad guy. Judge B doesn't like anybody not to like her. That is one of her weaknesses, I think.
The time in Judge B's courtroom was poorly managed at times (not all the time) and at times there were delays when having cases called.
Sometime Judge B is too late to the bench to hear case managements or motions because she is conducting pre-trials in chambers that have run longer than she anticipated.
I believe that Judge B is too soft with discovery deadlines and other deadlines to keep the case moving.
Time management is a great weakness of Judge B's. She spends far too much time on very small insignificant details that end up costing the ward money in fees and court time.

HANDOUT 3

PERFORMANCE INTERVIEW TRIADS ROLE PLAY PROMPT

The Honorable Judge C

Judge C has 5 years of experience on the bench. Once a highly successful attorney, Judge C is now regarded as a temperamental judge. Judge C frequently scored in the bottom 25% for all five categories: (1) legal and reasoning ability, (2) impartiality, (3) communication skills, (4) professionalism, and (5) management skills.

Judge C is not fully supportive of the Illinois Judicial Performance Appraisal process and looks upon it as a threat to his/her judicial independence.

To assist in preparing for the role-play, focus on the comments on pages 4, 6, 8, 10 and 12 in the Report for Honorable Judge C.

HANDOUT 3

Judge C Attorney

Legal ability

He was an excellent trial lawyer before he ascended to the bench. Above average ability to work through complicated facts and law.

He handled a somewhat complex insurance coverage issue well and resolved it promptly. Judge C's legal and reasoning ability is excellent. My only comment is that once a decision is reached, there is no need to expound upon it endlessly.

Impartiality

The judge was on the side of the State during every moment of the case. Only addressed lawyer for state directly.

As a young minority lawyer, when I have argued against an older white lawyer, the judge seemed to take whatever opportunity to refer to me in ways that showed less respect.

Judge C: Withhold your opinion until you've heard, read and absorbed all of the evidence and legal argument!

Professionalism

His tone and manner sometimes intimidated the general public and defendants, making them concerned about his impartiality.

He can lose his temper and that is unprofessional. He can also be disrespectful to attorneys. Judge C sometimes is short with people in his courtroom, to the point of being disrespectful.

Communication skills

Sometimes doesn't listen too well because he is too eager to hear himself talk.

Very direct!

Management skills

Sometimes things moved a little too quickly.

HANDOUT 3

Judge C Court Personnel

Legal ability

Judge C is very sharp.

Impartiality

I can't say he seemed to exercise favoritism as his negative behaviors seemed to impact both sides equally.

Professionalism

Judge C spends a great deal of time out of the court.

Courtroom staff is not always treated with respect. The judge frequently belittles, criticizes and unfairly treats courtroom personnel during court proceedings.

Judge C's main problem is that he is becoming increasingly impatient, occasionally making comments to attorneys and courtroom personnel that are rude and disrespectful.

Communication skills

The judge tends to talk a lot, sometimes confusing pro se litigants.

Judge C does not listen well to other opinions.

The Judge is very impatient, snaps frequently at litigants, will yell at counsel sometimes.

Management skills

Illinois Judicial Performance Evaluation (JPE) Facilitator Training

Participant Notebook



PARTICIPANT NOTEBOOK

TAB I **PAGE 2**

OVERVIEW, LEARNING OBJECTIVES, AGENDA, FACULTY, AND PARTICIPANT ROSTER

TAB II **PAGE 8**

WORKSHOP SLIDES

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GROUP EXERCISES, JUDGE LETTER, MOCK SUMMARY REPORTS

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SUPPLEMENTAL READINGS

- American Bar Association Black Letter Guidelines For The Evaluation Of Judicial Performance
- Illinois JEP Project: Data Collection & Analysis Process: Steps And Timelines
- Essentials Of Feedback Processes
- Johari Window

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SOURCES FOR ADDITIONAL INFORMATION

TAB I

OVERVIEW, LEARNING OBJECTIVES, AGENDA, AND FACULTY

OVERVIEW

The Judicial Performance Evaluation (JPE) Facilitator Workshop is designed for judicial leaders participating in the JPE Project. This 1-day workshop provides participants with an orientation to the JPE process, a thorough understanding of the survey instrument, and skill development on facilitating performance evaluation interviews.

LEARNING OBJECTIVES

The goal of this workshop is to develop participant's knowledge, skills and abilities regarding the role of facilitators in supporting the JPE Program. After completing this workshop, participants will:

- understand the function and importance of performance appraisal within the judicial branch of government,
- know the process for completing the performance appraisal interview,
- possess and in-depth knowledge of the judicial performance survey instrument and have the ability to interpret and communicate results,
- discover techniques to critique constructively, so that judges will feel open to discussing problems and potential options for professional development;
- demonstrate one on one coaching skills, active listening, and other interview techniques,
- demonstrate skills for dealing with difficult performance appraisal situations, and understand ways to identify educational needs based upon the performance appraisal process,
- understand the importance of confidentiality,
- model a devotion to judicial excellence through this process of performance appraisal and ongoing judicial education.

Administrative Office of the Illinois Courts and National Center for State Courts <i>Illinois Judicial Performance Evaluation (JPE) Facilitator Training</i> Sample Participant Agenda	
8:00A.M.-8:30A.M.	Registration and Breakfast
8:30A.M.-8:45A.M.	Welcome and Introductory Remarks
8:45A.M.-9:30A.M.	The Judicial Performance Evaluation Process: An Overview
9:30A.M.-10:00A.M.	A Model for Promoting Adult Development: The Johari Window
10:00A.M.-10:15A.M.	Break
10:15A.M.-10:45A.M.	The JPE Data Collection Process
10:45A.M.-11:30A.M.	The JPE Survey Instrument
11:30 A.M.-Noon	Keys to Effective Facilitation
Noon-12:45P.M.	Luncheon
12:45P.M. -1:15P.M.	Conducting the Feedback Interview: Triad Exercise Instructions & Demonstration
1:15P.M.-2:00P.M.	Triad Exercise #1 and Debriefing
2:00P.M.-2:45P.M.	Triad Exercise #2 and Debriefing
2:45P.M.-3:00P.M.	Break
3:00P.M.-3:45P.M.	Triad Exercise #3 and Debriefing
3:45P.M.-4:00P.M.	Concluding Comments, Question and Answer

FACULTY

[INSERT FACULTY BIOS HERE]

TAB II

WORKSHOP SLIDES



Illinois Judicial
Performance
Evaluation (JPE)

Facilitator Training
June 2012





JPE Program Overview





JPE Process

1. Process Overview
2. Timeframes
3. Scheduling and Conducting Meetings
4. Confidentiality



JPE Goals

1. Monitoring Performance
2. Professional Development
3. Gap Closure and Improved Performance
4. Coaching: Addressing Performance Issues
5. Motivation and Goal Setting



Confidentiality

1. The Supreme Court's JPE program is premised on confidentiality, consistent with its goal of judicial improvement
2. Supreme Court Rule 58 states "the disclosure of evaluation information would be counterproductive to the goals of the evaluation program, reduce the free flow of comment, and result in termination of the program"
3. Evaluation data are NOT shared with the public, NOR used for bar association or judicial rankings
4. Only the evaluated judge and a trained facilitator see survey results



Promoting Adult Development

A Model for Performance Evaluation





Evaluation vs. Feedback

Evaluation

- Summative
- Generally Standardized
- Goal is to grade relative to peer or standard

Feedback

- Formative
- Can be formal or informal
- Goal is to help people improve



The Johari Window

	What the facilitator knows about the judge	What the facilitator does not know about the judge
What the judge knows about themselves	Public or Open Self	Hidden or Secret Self
What the judge does not know about themselves	Blind Self	Undiscovered or Subconscious Self



Public or Open Self

A judge's knowledge of his or her behaviors and other aspects of professional practice correspond to the colleague's or facilitator's knowledge

- The area in which communication occurs most effectively and where the person is least likely to be defensive
- Goal = to broaden or enlarge this "cell"

	What the facilitator knows about the judge	What the facilitator does not know about the judge
What the judge knows about themselves	Public or Open Self	Hidden or Secret Self
What the judge does not know about themselves	Blind Self	Undiscovered or Subconscious Self



Hidden or Secret Self

The judge knows aspects about his or her behavior and professional practice that the colleague or facilitator does not know

- The judge tends to conceal these for fear that the facilitator may use them to punish, hurt, or exploit
- This “cell” demonstrates the importance of a climate of trust and credibility

	What the facilitator knows about the judge	What the facilitator does not know about the judge
What the judge knows about themselves	Public or Open Self	Hidden or Secret Self
What the judge does not know about themselves	Blind Self	Undiscovered or Subconscious Self



Blind Self

The facilitator or colleague knows about aspects of a judge’s behaviors and professional practice of which the judge is unaware

- This “cell” size is reduced as the individual matures in self awareness

	What the facilitator knows about the judge	What the facilitator does not know about the judge
What the judge knows about themselves	Public or Open Self	Hidden or Secret Self
What the judge does not know about themselves	Blind Self	Undiscovered or Subconscious Self



Undiscovered Self

Neither the judge nor the colleague or facilitator know all the potential for the judge’s behavior and professional practice

- The size of this “cell” reduces as professional development (learning) occurs

	What the facilitator knows about the judge	What the facilitator does not know about the judge
What the judge knows about themselves	Public or Open Self	Hidden or Secret Self
What the judge does not know about themselves	Blind Self	Undiscovered or Subconscious Self



Desired Direction of Adult Development

Public Self	Secret Self
Blind Self	Undiscovered Self



The Defensive/Hostile Judge

- Don't object to the judge's reaction and become defensive
- Use restatement to reflect his/her negative comments
- Postpone the interview



When Performance Appraisals Are:

Done Well

- Opens communication
- Judge is aware of areas requiring further development
- Motivates and enhances performance

Done Poorly

- Inflammatory
- Source of conflict
- Waste of time



Data Collection and Analysis

Process: Steps and Timelines





Research Project Tasks

- Identify judges for evaluation
- Notify judges
- Notify nominees
- Analyze data and develop reports



Selection of Judges

Judges are randomly selected

- 175 per year
- Random selection takes into account circuit & recent evaluation
- Judges are only required to participate in the evaluation process one time



Notification to Judges

Judges are notified in waves

- List of judges is split into five groups (waves) of 35 each
- Initial wave is notified of their selection in the evaluation pool within three weeks of reception of list
- Facilitator is notified when "their" judge is identified in a wave
- Facilitator is asked to set up a facilitation meeting at that time



Judicial Notification & Nominee Request Process

NCSC sends pre-notice to 1st wave of 35 judges

- One week later, NCSC sends correspondence to first wave of 35 judges requesting 125* nominees
 - Attorney nominees have appeared before the judge in the past year
 - Court staff nominees have worked with the judge in the past year
 - Lists from judges include names and email addresses
- Three weeks later, non-responding judges are contacted by telephone and lists are requested



Identify Judges for Evaluation

Notification of Nomination to Evaluate

- Nominees cannot be selected more than 8 times in one year
- Attorneys and court personnel are sent pre-notice emails upon selection
- After 1 week, link to online survey is sent to nominees
- Survey link is judge specific
- Nominees have 3 weeks to complete survey
 - Non-completers receive weekly reminders



Data Analysis & Report Production

Individual Reports are Produced by Wave

- Wave "x" reports will be completed 6 weeks after evaluation data have been received
- Reports will compare each Wave with the previous year's data
- Reports will be Fed Ex'd to the facilitator and judge two weeks prior to meeting
- Content of individual reports are confidential (facilitator and judge only)

Annual Report of Aggregate Data will Be Submitted to AOIC



Data Collection & Analysis Timeline

Weeks → 1-4 5-8 9-12 13-16 17-20 21-24 25-28 29-32 33-36 37-40 41-44 45-48 49-52

Obtain List **All Waves**

Judicial Notification Process **Wave 1** Wave 2 Wave 3 Wave 4 Wave 5

Nominee Notification Process **Wave 1** Wave 2 Wave 3 Wave 4 Wave 5

Report Development Process **Wave 1** Wave 2 Wave 3 Wave 4 Wave 5 **FINAL REPORT**



Survey Instrument

What Facilitators Need to Know





Overview

- Survey development process
- Key features of the survey
- Judge's Evaluation Report



Survey Development

Five Step Process

- Critique of existing state and model JPE surveys
- Consultation with experts on survey design, work performance evaluation
- Feedback from Supreme Court of Illinois Judicial Performance Evaluation Committee
- Testing: Cognitive Interviews with Illinois attorneys
- Testing: Pilot study and follow-up survey



Critique

- Lessons learned: Concerns about...
 - Gender bias (e.g., Durham, 2000; Gill, Lazos, & Waters, 2011)
 - Survey method (e.g., Brody, 2000; Kourlis et al., 2006)
 - Survey instrument
 - Items
 - E.g.: *Keeps current on developments in substantive law and rules of procedure and evidence*
 - Simplify, eliminate "double-barreled" items
 - More concrete language; focus on observable behavior
 - Response scale
 - E.g.: *Excellent, Very Good, Satisfactory, Fair, Unsatisfactory*
 - Need a balanced, proportional scale
 - Single-select options must be mutually exclusive
 - Ensure correspondence between response options and item



Consultation & Review

- Reviews by & feedback from Supreme Court of Illinois JPE Committee
- Review & recommendations from expert scholars in work performance evaluation, survey design
 - Addition of a *Structured Free-Recall* (SFR) task
 - SFR task helps improve rating accuracy and minimize bias by prompting respondents to recall actual observed behaviors (positive and negative) before completing the performance evaluation



Testing

- Cognitive interviews
 - Conducted in-person with 3 IL attorneys
 - Trained cognitive interviewers (Tourangeau, 1984)
- Pilot study and follow-up survey
 - Pilot of full JPE process online
 - 8 judge volunteers
 - Attorney respondents completed JPE and follow-up survey on their experience
- JPE survey refined based on analysis of JPE data, cognitive interview results, follow-up survey results



Key Features of the Survey

- Emphasis on observable judicial behavior
 - Respondent eligibility requirements
 - JPE survey instructions
 - *Structured Free Recall* task to improve accuracy
 - JPE survey items focus on concrete, observable bx
- Some questions describe negative behaviors:
 - The judge applied rules of evidence relevant to the case. (positive)
 - The judge failed to provide a proper legal basis for a decision.* (negative)



Key Features of the Survey

- Questions address 5 performance areas:
 - Legal & Reasoning Ability
 - Impartiality
 - Professionalism
 - Communication Skills
 - Management Skills
- Ratings based on frequency with which behaviors are observed

(1) Never	(2) Rarely	(3) Sometimes	(4) Frequently	(5) Every time	N/A
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Key Features of the Survey

- Optional: Additional narrative comments
 - General comments on strengths, weaknesses
 - Unaddressed issues
 - Elaborate on response to any question
- Separate versions of the survey for attorneys, court personnel to complete



The Evaluation Report

- Cover letter to explain contents of judge's Evaluation Report
- Contents of the Evaluation Report:
 - Summary Report
 - Performance Area Report
 - Appendix: Technical Notes



The Evaluation Report

Summary Report

- Explanation of content
- *Survey Participants for both versions* (attorney, court personnel)
 - Number of eligible participants
 - Number of completed evaluations
 - Response rate
- *Evaluation Summary for both versions* (attorney, court personnel)
 - Judge's average score and average score across all participating Illinois judges
 - In total and for each performance area



The Evaluation Report

Performance Area Report

- *How to Read the Performance Area Report*
- Report on each of 5 performance areas (for both versions)
 - Lists each item assessed
 - Reports average item-by-item ratings
 - For the judge
 - As averaged across all participating judges to date
 - Reports on range of responses the judge received (lowest, highest)
 - Lists verbatim all narrative comments that respondents provided



The Evaluation Report

Appendix: Technical Notes

- *Evaluation Forms*: Explains respondent eligibility
- *Evaluation Questions and Ratings*: Explains language used in items & how that was taken into consideration in calculation of scores
- *Calculation of Performance Area Scores*: Explains how subscores were calculated
- *Calculation of Total Scores*: Explains how the total score was calculated
- *Insufficient Data*: Explains circumstances for which no JPE results are reported



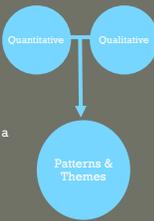
Understanding Results

- **Quantitative information:** Survey ratings
 - Standardized
 - Captures feedback from all survey respondents
 - Statistical description of judge's performance and performance of all judges to date
- **Qualitative information:** Narrative comments
 - Subjective
 - Provided by only ~ 20% of survey respondents
 - Narrative comments allow for richer, more detailed feedback from single survey respondents



Understanding Results

- Integrate quantitative information with qualitative information
- Look for patterns, themes
 - Quantitative information:
 - Performance area score
 - Consistency across similar types of items within a performance area
 - Qualitative information:
 - Similar narrative comments from multiple respondents
 - Comments correspond with quantitative scores





Common Questions

- **What is reverse coding?**
 - Rating scale is flipped in the scoring process for negative questions
 - Consistency in, meaningfulness of results
- **How should I use response rate information?**
 - Good overall response rates
 - If a low response rate is obtained for a particular judge, interpret his or her scores with greater caution
- **Why might survey results not be reported for an evaluated judge?**
 - Judge nominated <10 eligible respondents for a survey
 - <10 eligible respondents completed a survey



Take Home Messages

- Surveys developed through a rigorous, iterative process with Supreme Court Committee oversight
- Emphasis placed on increasing rating accuracy, reducing the potential for biased responding
- Quality of evaluation results does depend on judge's initial list of nominees and willingness of nominees to participate
- Facilitators play an important role in identifying patterns and themes in results



Keys to Effective Facilitation





Common Facilitation Problems

- Failure to prepare for the interview
- Failure to create a climate of trust (confidentiality)
- Failure to ensure source credibility (Competence, objectivity, expertise, similarity)
- Failure to listen (80-20 ratio)
- Failure to provide descriptive feedback - positive and/or constructive



Prepare for the Meeting

- Review survey data and summary reports
- Control the environment; avoid an atmosphere of stress
 - Consider time of day
 - Schedule adequate time
- Have support documentation available



Conduct the Meeting

- State the purpose of the discussion
- Allow judge to give their assessment of their performance
- Provide specific examples of strengths and areas for improvement from the survey's
- Position criticisms as areas for improvement
- Focus on the performance, not the person
- Show respect and appreciation



Effective Facilitation Skills: The Rubric

1. Attending Skills
2. Following Skills (creative, empathic listening)
3. Giving Feedback
4. Reflecting Feelings and Content/Meaning
5. Fostering Immediacy and Relevance
6. Use of Silence, Confrontation, and Self-Disclosure



Empathetic Listening

“Listening and responding with both the heart and mind to understand the speaker’s words, intent, and feelings”

- Stephen R. Covey



Listening Roadblocks

- Denying, minimizing
- Cheering up, reassuring, encouraging
- Sympathy, indignation, me-tooing, story-telling
- Advising, teaching
- Taking over, rescuing
- Analyzing, probing, playing detective
- Criticizing, moralizing, warning
- Arguing, defending, counterattacking

- Thomas Gordon



Common Barriers to Listening

It is hard to listen if:

- You’re worried about problems
- You listen faster than people speak
- You’re tired or bored
- You’re thinking about what you’re going to say back to the other person
- You’re distracted



Closing the Meeting

- Set specific goals and action plan with timeline
- Suggest resources for assistance
- Close the discussion
- Post meeting: Identify topics for future Judicial Education programming



Triad Exercise





Triads

- The **facilitator** verbally shares the feedback from the sample survey summary provided
- The **judge** listens to the facilitator and engages in dialogue according to the role play card provided
- The **observer** listens, observes, and using the Rubric provided in the materials offers feedback to the judge; notifies the facilitator and judge listener when there are two minutes left in their session, and then again when time is up



Instructions

For each triad there will be three role play scenarios, giving each member the opportunity to be in all three of the roles of *judge*, *facilitator*, and *observer*

In your Triad:

1. Choose who will be the *judge*, *facilitator*, and *observer*
2. Arrange chairs so that the *facilitator* and *judge* are facing one another. The *observer* should be sitting facing both the *judge* and *facilitator*, slightly at a further distance than the two role players
3. Engage in a ten minute role play of a facilitation meeting using the scenario provided
4. Observers notify facilitator when there is two minutes remaining and again when time is up



Triad Session 1

- *Facilitators* will practice attending and following skills, using questioning when appropriate
- The *judge* engages in dialogue according to the role play card provided
- *Observers* limit observations to the first two skill sets on the Rubric:
 - *Attending Skills*, and
 - *Following Skills*
- After the role play, the observer will facilitate a small group discussion, first asking if the speaker (judge) felt heard and then giving feedback on how well the listener (facilitator) employed the targeted skills



Guidelines for Giving Feedback

- Examine your own motives
- Consider the receiver's readiness to hear your feedback
- Be descriptive rather than evaluative
- Deal in specifics, not generalities
- Offer feedback; do not try to impose it
- Offer feedback in a spirit of tentativeness



Triad Session 2

- **Facilitators** will practice giving feedback and reflecting feelings and content
- The **judge** engages in dialogue according to the role play card provided
- **Observers** limit observations to the third and fourth skill sets on the Rubric:
 - *Giving Feedback, and*
 - *Reflecting feelings and content/meaning*



Triad Session 3

- **Facilitators** will practice giving fostering relevance and using silence, confrontation and self disclosure when appropriate
- The **judge** engages in dialogue according to the role play card provided
- **Observers** limit observations to the fifth and sixth skill sets on the Rubric:
 - *Fostering immediacy and relevance, and*
 - *Using silence, confrontation, and self disclosure*



Conclusion

Q & A
Contact



TAB III

GROUP EXERCISES

PERFORMANCE INTERVIEW TRIADS

Objective: Participants will develop skills in handling performance evaluation interviews by working in triads. Working in small groups allows participants to observe others and receive feedback in ways that facilitate reflective learning. Triads are powerful tools that invite participants to isolate and practice communication skills and obtain direct feedback from partners about specific skills.

Time: About 135 minutes (45 minutes for each session including group discussions).

Materials: Handouts #1, #2, #3 and the *Rubric For Facilitation Competencies*.

Activity Description: Faculty will divide the participants into groups of three (Triads). For each triad there will be three listening periods, giving each triad member the opportunity to be in all three of the roles of *judge, facilitator, and observer*.

- The **facilitator** verbally shares the feedback from the sample survey summary provided.
- The **judge** listens to the facilitator and engages in dialogue according to the role-play card provided.
- The **observer** listens, observes, and using the *Rubric For Facilitation Competencies* provided in the materials offers feedback to the person who is playing the role of facilitator; aims to be specific and direct both in affirming and offering constructive criticism; notifies the facilitator and judge listener when there is two minutes left in the session, and then again when time is up.

Faculty will direct the participants to first choose who will be the *judge, facilitator, and observer*. Participants should arrange chairs so that the facilitator and judge are facing one another. The observer should be sitting facing both the judge and facilitator, slightly at a further distance than the two role players.

Before conducting the role-play, each participant should review Mock Evaluation Summary #1 and the “judge” should privately review the Role Play Card provided by faculty. After reviewing the mock evaluation summary, the Facilitators will conduct an interview with the Judge. The observer will use the complete *Rubric for Facilitation Competencies* to evaluate the facilitator limiting their observations to the first two skills sets on the *Rubric*.

It is highly recommended that faculty enact a brief demonstration to illustrate the process and roles. Faculty will also need to roam among the groups to answer questions and ensure that the Triad Exercise is conducted in a timely manner.

Triad Session #1 Special Instructions: Observers will limit observations to the first two skill sets on the Rubric:

- *Attending Skills, and*
- *Following Skills.*

Triad Session #2 Special Instructions: Observers will limit observations to the third and fourth skill sets on the Rubric:

- *Giving Feedback, and*
- *Reflecting feelings and content/meaning.*

Triad Session #3 Special Instructions: Observers will limit observations to the fifth and sixth skill sets on the Rubric:

- *Fostering immediacy and relevance, and*
- *Using silence, confrontation, and self-disclosure.*

RUBRIC FOR FACILITATION COMPETENCIES

1. Attending Skills

Criteria	Comments
<input type="checkbox"/> Maintains a comfortable bodily posture of involvement <input type="checkbox"/> Responds to narrative with appropriate body motion <input type="checkbox"/> Makes eye contact with a soft focus and occasional shifting of gaze <input type="checkbox"/> Respects the speaker and exhibits genuine regard toward the other <input type="checkbox"/> Creates a non-distracting environment	

2. Following Skills

Criteria	Comments
<input type="checkbox"/> Provides a non-coercive invitation to talk (door openers) <input type="checkbox"/> Uses short, verbal and non-verbal encouragers <input type="checkbox"/> Asks infrequent questions as needed to achieve clarity of issue/situation <input type="checkbox"/> Holds an attentive silence, allowing speaker to develop thoughts & feelings <input type="checkbox"/> Is able to absorb cues from the whole person <input type="checkbox"/> Is aware of and attentive to own bodily reactions <input type="checkbox"/> Guards against projecting personal feelings/history into speaker's situation <input type="checkbox"/> Does not fake understanding of speaker's narrative and seeks clarification whenever thread is lost or obscured	

3. Giving Feedback

Criteria	Comments
<input type="checkbox"/> Reflects back the speaker's experience accurately with short descriptors <input type="checkbox"/> Offers support and expansion of understanding without proffering advice <input type="checkbox"/> Does not tell speaker he knows how he/she feels <input type="checkbox"/> Does not impose personal values or experience on the speaker <input type="checkbox"/> Uses clear language, feeds perceptions back to speaker with empathic skill <input type="checkbox"/> Helps speaker connect with personal strengths and other resources	

4. Reflecting Feelings and Content/Meaning

Criteria	Comments
<input type="checkbox"/> Paraphrases speaker's content, stating its essence in listener's own words <input type="checkbox"/> Listens and responds to feeling words, reflecting speaker's feelings accurately <input type="checkbox"/> When feelings are implicit in content, is able to determine what listener would feel in speaker's situation and name that reality appropriately <input type="checkbox"/> With facial and vocal tone, communicates empathic understanding <input type="checkbox"/> Notes discrepancies when words and feelings suggest divergent meanings	

5. Fostering Immediacy and Relevance

Criteria	Comments
<input type="checkbox"/> In order to facilitate speaker's ability to arrive at the best solution to a personal situation described, appropriately asks a few fact-finding questions <input type="checkbox"/> When information offered is vague, responds with concreteness and specificity to help speaker focus <input type="checkbox"/> Prevents speaker from rambling by interrupting with a brief reflection to help re-focus purposeful dialogue	

6. Use of Silence, Confrontation, and Self-Disclosure

Criteria	Comments
<input type="checkbox"/> Is comfortable allowing silence as speaker processes some insights; doesn't rush to fill it as speaker struggles with meaning <input type="checkbox"/> Knows whether self-disclosure may be pertinent and helpful to speaker; redirects content toward other with empathy	

PARTICIPANT JUDGE LETTER

Dear **Judge X**,

Thank you for your participation in the Supreme Court of Illinois' Judicial Performance Evaluation (JPE) Program. The attached Evaluation Report provides you with your evaluation results. The results are based on ratings provided by the practicing attorneys and court personnel you nominated to participate in your evaluation.

All data and individual results from your performance evaluation are strictly confidential. Only two hard copies of the Evaluation Report have been printed. One is enclosed with this report and is for your records. The other copy was sent to your JPE program facilitator so they can prepare for the scheduled meeting with you to discuss your results. No copies have or will be sent to the Administrative Office of the Illinois Courts (AOIC), the Illinois Judicial Board, or any other agency or group. The AOIC will receive an annual report containing only aggregated results to describe the average performance across all judges participating in the JPE program. Aggregate results will be used primarily to inform the development of continuing judicial education programming and initiatives.

The Evaluation Report itself contains the following sections:

- *Summary Report*: This section is a one-page overview of your total evaluation score and your score in each of the five “performance areas” (legal and reasoning ability; impartiality; professionalism; communication skills; management skills) covered by the JPE.
- *Performance Area Report*: This section provides item-by-item detail to supplement the Summary Report. Your average rating (and the average rating across all judges who have participated in this program to date) on each item is provided. In addition, this section lists verbatim all narrative comments submitted by attorney and court personnel respondents who participated in your evaluation. These unedited comments may provide insight into the reasoning behind the ratings you received or may relay important feedback about your performance that the respondent felt was not adequately captured by the standardized survey items.
- *Appendix*: This section explains, in greater detail, the evaluation methodology, terminology, and other key information about the JPE program and this Evaluation Report.

In the Judicial Performance Evaluation surveys, practicing attorneys and court personnel were asked to recall and consider only specific events that they personally witnessed in your courtroom. Based on this direct experience only, respondents then indicated how often they observed you engaging in particular behaviors relevant to judicial performance. For example, one item that appeared in the JPE identified the following behavior: “The judge took measures to curb

unprofessional attorney behavior during a proceeding.” Respondents were asked to indicate how often, in their experience, the judge engaged in this behavior on a scale from 1 (behavior was never observed when the circumstances arose) to 5 (behavior was observed every time the circumstances arose). If the circumstances for observing a described judicial behavior never actually arose while in your courtroom, respondents were instructed to opt out of rating the item by selecting “N/A.” Respondents proceeded through five different sets of behavior-based items that correspond with each of five general judicial performance areas. Each survey item is listed by performance area in your Evaluation Report.

The Evaluation Report contains your average scores (i.e., arithmetic means of all item ratings provided) for (a) each survey item, (b) each performance area, and (c) in total. Based on the 5-point rating scale described above, a “1” is the lowest possible average score a judge can receive and a “5” is the highest possible average score a judge can receive. Your results are only reported if 10 or more survey respondents met the minimum criteria for inclusion and completed your performance evaluation in its entirety. This measure was taken to help protect the confidentiality of participating attorney and court personnel respondents. Respondents should never feel that their confidentiality or their jobs are in jeopardy by completing a JPE. For further explanation, please refer to the Appendix in the Evaluation Report.

In designing the evaluation survey, every effort was made to implement best practices in performance evaluation and survey design. Drafts of the JPE surveys and methodology were reviewed throughout the development process by experienced practitioners (including judges from the Supreme Court of Illinois Judicial Performance Evaluation Committee and practicing Illinois attorneys) and social scientists to ensure survey quality and the utility of survey results to Illinois judges. For more detailed information about the survey development process, please refer to Appendix A.

The purpose of this JPE is to provide you, and no one else, with an indication of how attorneys and court personnel view you in the courtroom. My colleagues and I hope you find the enclosed Evaluation Report thought provoking and helpful.



Dan Hall
Vice President, Court Consulting Services
National Center for State Courts

HANDOUT #1

MOCK SUMMARY JUDGE A



Supreme Court of Illinois
Judicial Performance Evaluation Program

Report for the Honorable Judge A

Summary Report 1

How to Read the Performance Area Report 2

Performance Area Report

 Report on Legal and Reasoning Ability 3

 Report on Impartiality 5

 Report on Professionalism 7

 Report on Communication Skills 9

 Report on Management Skills 11

Appendix: Technical Notes



Supreme Court of Illinois
Judicial Performance Evaluation Program
 Summary Report for the Honorable Judge A

This Summary Report offers a one-page overview of results from your 2012 Supreme Court of Illinois Judicial Performance Evaluation (JPE). This overview consists of two sections. First, the *Survey Participants* table displays the number of eligible attorney and court personnel evaluators you nominated, the number of evaluations completed by attorneys and court personnel, and your attorney and court personnel response rates. Second, the *Evaluation Summary* section displays results by performance area and as a total score. Each performance area score takes into account ratings on different subsets of survey items that are described in the attached Performance Area Report. The total score takes into account all 59 questions asked of attorneys and 39 questions asked of court personnel. The bars display **your average score (in gold)** and the **average score across all judges (in dark blue)** who have participated in the JPE to date. Average scores range from 1 to 5, with 5 as the best possible score. The columns on the right side of the *Evaluation Summary* display the range of scores you received, indicating your lowest and highest score by performance area and in total. For more information about JPE survey eligibility, JPE survey item construction, and score calculations, please refer to the Appendix.

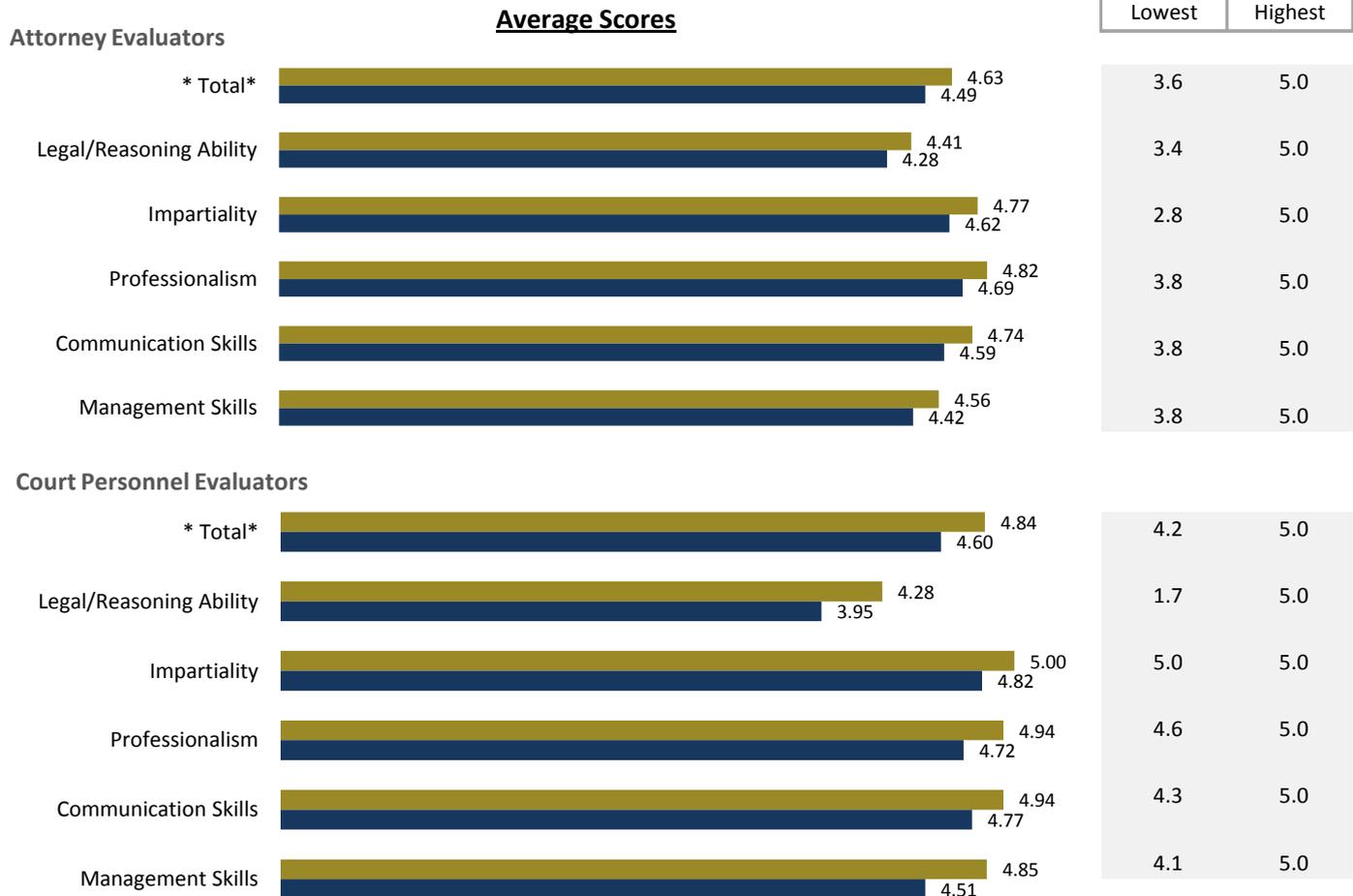
<u>Survey Participants</u>	<u>Attorneys</u>	<u>Court Personnel</u>
Number of Eligible Participants	110	21
Number of Completed Evaluations	64	16
Response Rate	58%	76%

You are one of **182 judges** to participate in the Supreme Court of Illinois Judicial Performance Evaluation Program to date.

Evaluation Summary

■ Your Score
 ■ Score For All Judges

Range of Scores You Received	
Lowest	Highest





Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge A

How to Read the Performance Area Report

This Performance Area Report is a multiple-page description of the results from your 2011 Supreme Court of Illinois Judicial Performance Evaluation (JPE). This more detailed report presents your results, itemized by performance area.

This Performance Area Report consists of five sections. Each section corresponds with one of the five performance areas in your JPE: (1) legal and reasoning ability, (2) impartiality, (3) communication skills, (4) professionalism, and (5) management skills.

For each performance area, all items included in the attorney survey and court personnel survey are listed. Next to each survey item, results are provided as average ratings: first, your rating as averaged across all the attorney respondents or court personnel respondents who evaluated your performance on that particular survey item; then, the average rating on that item across all Illinois judges who have participated in the JPE program to date. The third and fourth columns display the range of ratings you received from respondents, indicating your lowest and highest numeric ratings on each item.

Following all item ratings in a given performance area, all clarifying or additional comments provided by respondents about your judicial performance are collated verbatim. Comments from attorneys and from court personnel respondents are listed separately.

If too few attorney or court personnel respondents completed your judicial performance evaluation, no data is reported and an "n/a" will appear in the corresponding results sections. For more information, refer to the "Insufficient Data" section of Appendix.

Note that for all survey items, higher average ratings reflect better performance regardless of the wording of the item. For more information about how survey items were constructed and how rating scales were used, refer to the "Evaluation Questions and Ratings" section of the Appendix.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge A

Report on Legal and Reasoning Ability

Average Rating		Range of Ratings You Received	
You	All Judges	Lowest	Highest

Attorney Evaluators

The judge's ruling cited the applicable substantive law.	4.25	4.13	3	5
The judge adhered to the appropriate rules of procedure.	4.72	4.55	4	5
The judge applied rules of evidence relevant to the case.	4.59	4.46	2	5
The judge failed to provide a proper legal basis for a decision.*	4.40	4.29	3	5
The judge's decision was inconsistent with rules of evidence.*	4.59	4.39	1	5
The judge drew a conclusion about the case that was inconsistent with the evidence presented.*	4.61	4.37	2	5
The judge incorrectly interpreted a previous court decision applicable to the case.*	4.78	4.53	3	5
The judge correctly interpreted a relevant higher court ruling.	3.96	3.93	3	5
The judge's decision followed logically from the evidence presented.	4.44	4.34	1	5
The judge had difficulty applying the law to the facts in the case.*	4.59	4.52	2	5
The judge incorrectly identified the main issues in a case.*	4.55	4.45	3	5
The judge assisted the parties in reaching agreement.	3.74	3.58	1	5
The judge assisted parties in narrowing key issues in dispute.	3.87	3.72	1	5
The judge quickly resolved problems that arose during the proceedings.	4.38	4.20	1	5
The judge rendered a well-reasoned decision.	4.43	4.33	2	5

Court Personnel Evaluators

The judge assisted the parties in reaching agreement.	4.00	3.53	1	5
The judge quickly resolved problems that arose during the proceedings.	4.63	4.32	3	5
The judge assisted parties in narrowing key issues in dispute.	4.29	4.03	1	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.



Supreme Court of Illinois
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Legal and Reasoning Ability Comments

Attorney Evaluators

Even in those cases where I thought her ruling might be incorrect, Judge A had a sound legal basis for her ruling and relevant case law that supported her position.

Judge A read the briefs carefully. She showed a command of the issues. Her decision correctly applied controlling precedent.

Judge A is able to determine the relevant issues in a case and cite the applicable case law. Her legal reasoning is excellent.

Judge A is very knowledgeable of the law and ensures that there are no misunderstandings of her rulings. She makes very clear rulings.

Court Personnel Evaluators

Judge A seems to research the Judicial Rules frequently. The clerk's office comes to her with questions as to what the appropriate protocol or sequence of filings and sending notices and she is very approachable and willing to help.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge A

Report on Impartiality

	Average Rating		Range of Ratings You Received	
	You	All Judges	Lowest	Highest
<u>Attorney Evaluators</u>				
The judge treated one of the two parties with favoritism.*	4.75	4.57	2	5
The judge weighed the evidence impartially.	4.51	4.45	1	5
The judge carefully considered arguments from both sides before ruling.	4.78	4.58	2	5
The judge conducted the proceeding in a neutral manner.	4.77	4.63	2	5
The judge appeared to decide the outcome of the case before all evidence was presented.*	4.72	4.48	1	5
The judge made a decision before hearing all of the argument.*	4.69	4.53	2	5
The judge unnecessarily restricted an attorney’s presentation.*	4.89	4.61	3	5
The judge allowed legally irrelevant information to sway her or his decision.*	4.81	4.62	2	5
The judge treated the parties equally.	4.79	4.66	2	5
The judge’s decision was unduly influenced by extralegal factors (e.g., possible public criticism, political interests, fear of appeal, special gifts/favors).*§	4.93	4.84	3	5
The judge’s decision was unduly influenced by personal characteristics of one of the parties (e.g., race, ethnicity, gender, age, socioeconomic status).*§	5.00	4.90	5	5
The judge appeared to maintain an open mind during proceedings.	4.81	4.56	2	5
The judge appeared to categorically favor one side (prosecution or defense) over the other.*	4.68	4.64	1	5
<u>Court Personnel Evaluators</u>				
The judge treated one of the two parties with favoritism.*	5.00	4.80	5	5
The judge conducted the proceeding in a neutral manner.	5.00	4.78	5	5
The judge appeared to decide the outcome of the case before all evidence was presented.*	5.00	4.76	5	5
The judge unnecessarily restricted an attorney’s presentation.*	5.00	4.80	5	5
The judge treated the parties equally.	5.00	4.84	5	5
The judge’s decision was unduly influenced by extralegal factors (e.g., possible public criticism, political interests, fear of appeal, special gifts/favors).*§	5.00	4.92	5	5
The judge’s decision was unduly influenced by personal characteristics of one of the parties (e.g., race, ethnicity, gender, age, socioeconomic status).*§	5.00	4.95	5	5
The judge appeared to maintain an open mind during proceedings.	5.00	4.76	5	5
The judge appeared to categorically favor one side (prosecution or defense) over the other.*	5.00	4.84	5	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.

§ For this item, any average rating lower than "5" means that one or more respondents found your decision(s) to be unduly influenced by other factors (extralegal factors, personal characteristics). See "Respondent Comments on your Impartiality" section for details.



Supreme Court of Illinois
Judicial Performance Evaluation Program
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Impartiality Comments

Attorney Evaluators

Judge A does not play favorites or act in a partial fashion.

The ultimate impartial judge. Bases her rulings on the facts and evidence and is not swayed by emotion or what she thinks the law should be. All sides start off on an even field and she often gives helpful insight to both sides to crystallize the issues.

Responses related to extralegal and personal characteristic influences:

Personal friendships.

Court Personnel Evaluators

Judge A is the definition of impartiality. She makes everyone feel comfortable in her courtroom. She shares lighthearted moments with both sides. I feel she does this to put everyone at ease.

I've always see Judge A be very impartial in every proceeding I have been involved in.

Responses related to extralegal and personal characteristic influences:

n/a



Supreme Court of Illinois
Judicial Performance Evaluation Program
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Report on Professionalism

Average Rating		Range of Ratings You Received	
You	All Judges	Lowest	Highest

Attorney Evaluators

The judge appeared to be attending to issues irrelevant to his/her courtroom duties during the court proceeding at hand.*	4.69	4.65	1	5
The judge overreacted to an incident in the courtroom.*	4.90	4.62	4	5
The judge retaliated against an attorney through her or his decision(s) in a case.*	4.98	4.89	5	5
The judge took measures to curb unprofessional attorney behavior during a proceeding.	3.83	3.69	1	5
The judge disrupted a court proceeding (e.g., with personal cell phone usage, by having discussions with observers, by interjecting personal comments).*	4.93	4.88	3	5
The judge addressed individuals (e.g., attorneys, court staff, litigants, public, witnesses) disrespectfully in the courtroom.*	4.87	4.76	3	5
The judge used unnecessary intimidation to maintain control of the courtroom.*	4.94	4.84	3	5
The judge appeared to be bored with a case.*	4.89	4.71	3	5
The judge carefully reviewed evidentiary materials in the case.	4.67	4.53	3	5
The judge was unprepared for court.*	4.94	4.78	4	5
The judge maintained a professional demeanor in the courtroom.	4.85	4.76	3	5

Court Personnel Evaluators

The judge appeared to be attending to issues irrelevant to his/her courtroom duties during the court proceeding at hand.*	5.00	4.66	5	5
The judge overreacted to an incident in the courtroom.*	5.00	4.72	5	5
The judge took measures to curb unprofessional attorney behavior during a proceeding.	3.75	3.82	1	5
The judge disrupted a court proceeding (e.g., with personal cell phone usage, by having discussions with observers, by interjecting personal comments).*	5.00	4.89	5	5
The judge addressed individuals (e.g., attorneys, court staff, litigants, public, witnesses) disrespectfully in the courtroom.*	5.00	4.83	5	5
The judge used unnecessary intimidation to maintain control of the courtroom.*	5.00	4.89	5	5
The judge treated court employees respectfully regardless of position.	5.00	4.79	5	5
The judge appeared to be bored with a case.*	5.00	4.73	5	5
The judge was unprepared for court.*	5.00	4.86	5	5
The judge maintained a professional demeanor in the courtroom.	5.00	4.84	5	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.



Supreme Court of Illinois

Judicial Performance Evaluation Program

Performance Area Report for the Honorable Judge A

Professionalism Comments

Attorney Evaluators

Once again, Judge A has always been courteous, professional and respectful to parties, attorneys and all persons appearing before her.

Judge A runs a smooth courtroom. She treats everyone with respect. She is professional at all times. She is patient and always has a good demeanor.

Court Personnel Evaluators

I wish more judges would conduct themselves like Judge A. Even when there is a disagreement in the courtroom with the parties or the court, the tone is always civil and respectful.

During my time in Juvenile court it has been a pleasure to work with Judge A. Judge listens to problems, helps with decisions, and is always respectful and courtesy towards clients and officers.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge A

Report on Communication Skills

Average Rating		Range of Ratings You Received	
You	All Judges	Lowest	Highest

Attorney Evaluators

The judge issued an order that was clearly written.	4.54	4.37	3	5
The judge spoke clearly during the court proceeding.	4.85	4.72	3	5
When issuing an oral decision, the judge failed to provide an explanation for the decision.*	4.71	4.51	2	5
The judge gave reasons for a ruling when needed.	4.58	4.55	2	5
The judge made sure all parties (attorneys and the clients they represent) understood the court proceedings.	4.75	4.57	3	5
The judge's oral communication in court was easily understood.	4.89	4.68	4	5
The judge contradicted herself or himself during the court proceedings.*	4.78	4.64	3	5
The judge issued a concise oral decision.	4.56	4.46	2	5
The judge listened carefully during the court proceeding.	4.85	4.70	3	5

Court Personnel Evaluators

The judge spoke clearly during the court proceeding.	4.75	4.79	3	5
When issuing an oral decision, the judge failed to provide an explanation for the decision.*	5.00	4.74	5	5
The judge gave reasons for a ruling when needed.	5.00	4.70	5	5
The judge made sure all parties (attorneys and the clients they represent) understood the court proceedings.	5.00	4.77	5	5
The judge's oral communication in court was easily understood.	4.88	4.75	3	5
The judge listened carefully during the court proceedings.	5.00	4.85	5	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge A

Communication Comments

Attorney Evaluators

No attorney can come away from this Judge's court feeling he or she has not had an opportunity to be heard. This is a most attentive judge.

Judge A is articulate, clear in her thinking and direct in her rendering of a decision. She does not waffle and all parties appear to understand her rulings the first time.

Court Personnel Evaluators

She is very good at explaining her reasoning and rulings to the citizens in her courtroom.

Judge A always speaks in a succinct and direct manner. She projects her voice well and there is never a problem hearing or understanding what she says.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge A

Report on Management Skills

Average Rating		Range of Ratings You Received	
You	All Judges	Lowest	Highest

Attorney Evaluators

The judge started courtroom proceedings on time.	4.68	4.40	3	5
The judge kept the cases moving promptly.	4.65	4.40	3	5
The judge maintained an orderly pre-trial schedule.	4.74	4.47	3	5
The judge lost control of the courtroom.*	4.97	4.88	5	5
The judge failed to explain the reason for a delay.*	4.54	4.48	2	5
Considering amount of case law required to make the decision, the judge was slow in rendering a decision.*	4.78	4.54	3	5
For a continuance, the judge required parties to show cause.	3.46	3.51	1	5
The judge allowed the appropriate amount of time for each case.	4.63	4.46	2	5
The judge enforced court deadlines (e.g., for filing documents).	4.18	4.10	1	5
The judge used courtroom time efficiently.	4.66	4.47	2	5
The judge provided court staff with clear direction.	4.71	4.59	3	5

Court Personnel Evaluators

The judge started courtroom proceedings on time.	4.75	4.41	3	5
The judge kept the cases moving promptly.	4.86	4.49	3	5
The judge maintained an orderly pre-trial schedule.	4.86	4.57	3	5
The judge lost control over the courtroom.*	5.00	4.86	5	5
The judge failed to explain the reason for a delay.*	5.00	4.46	5	5
For a continuance, the judge required parties to show cause.	3.75	3.86	1	5
The judge allowed the appropriate amount of time for each case.	4.71	4.59	2	5
The judge enforced court deadlines (e.g., for filing documents).	4.83	4.36	3	5
The judge used courtroom time efficiently.	4.88	4.60	3	5
The judge provided court staff with clear direction.	5.00	4.68	5	5
The judge thoroughly addressed concerns raised by court staff.	5.00	4.60	5	5

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Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge A

Management Comments

Attorney Evaluators

Runs a courtroom that moves efficiently and with an understanding that sometimes lawyers can't be in two places at once. Highly recommend her in every respect.

Judge A exhibited a "hands-on" management style when she deemed it appropriate. She maintains control of the case at all times.

Court Personnel Evaluators

Judge A sets firm deadlines and asks attorneys to follow them. When you have not followed an order if you have a reasonable excuse the judge will at least entertain your request for additional time before ruling.

She does a very good job maintaining her case load. She settles a lot of cases and tries the ones that can't be resolved. She gives the attorneys all the time they need on pretrial motions, etc.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Appendix: Technical Notes

EVALUATION FORMS

Eligible participants for the Attorney evaluation included all practicing attorneys who represented a client that appeared before the evaluated judge within the past 12 months. Eligible participants for the Court Personnel evaluation included all those who worked with the judge in their courtroom within the past 12 months. This included employees of the court, such as court clerks and bailiffs; nonattorneys who work in the courtroom, such as court interpreters or court reporters; and individuals who appeared before the court to provide status reports or testimony, such as probation officers or social workers. Respondents were screened at the beginning of the Judicial Performance Evaluation (JPE) and were removed from the data analysis and calculation of "Number of Eligible Participants" if they did not meet the inclusion criteria.

Additionally, some nominated respondents may have been eligible to complete this JPE, but valid contact information for the nominee was not provided. Only those with valid contact information could be invited to participate in the JPE. Nominees without valid contact information were thus excluded from the calculation of "Number of Eligible Participants."

EVALUATION QUESTIONS AND RATINGS

Following best practices in survey design, this performance evaluation incorporated items that were positively worded (e.g., "The judge quickly resolved problems that arose during the proceedings.") and negatively worded (e.g., "The judge incorrectly identified the main issues in a case"). Positively worded questions inquire about the incidence of behaviors that a judge should perform in court, whereas negatively worded questions inquire about the incidence of behaviors that a judge should not engage in. For example, a rating of "5" on a negatively worded question indicates problematic judicial behavior, whereas a rating of "5" on a positively worded question reflects judicial excellence. By balancing positively and negatively worded questions, an evaluation survey obviates some common response biases that can distort results.

Standard protocol to compute the arithmetic mean requires the rating scale for negatively worded questions to be reversed. This reversal recodes responses so that, for all questions in the evaluation form, a high rating indicates a more favorable evaluation and a low rating indicates a less favorable evaluation. These "reverse coded" items are identified with an asterisk in the report. After the rating scale has been standardized across all questions in the evaluation, ranges are determined and aggregate scores for each performance area and for the total evaluation may be meaningfully computed (see below).

CALCULATION OF PERFORMANCE AREA SCORES

Performance area scores were derived using the following procedure. First, each individual respondent's ratings of the evaluated judge were averaged across all items in each identified area of judicial performance (legal/reasoning ability, impartiality, communication skills, professionalism, management skills). These scores were calculated as an arithmetic mean: the sum of all relevant ratings provided by the respondent was divided by the number of items answered by the respondent. An individual respondent must have completed a minimum of three questions within a particular performance area or they were excluded from the analysis. The average of these respondent-level average scores created the judge's *performance area score*. This score was computed as the arithmetic mean across all respondents in the evaluation: The sum of all respondent-level scores was divided by the number of eligible respondents who rated the judge on at least three questions in that performance area.

CALCULATION OF TOTAL SCORES

Total evaluation scores were obtained using a procedure similar to that used in the computation of performance area scores. Each respondent's performance area subscores for the evaluated judge were averaged to create a total score. At least three performance area subscores must have been calculated for an individual respondent to be included in this report. The arithmetic mean of the total score across all respondents was computed and appears as the *total score*.

INSUFFICIENT DATA

If fewer than 10 attorney respondents or court personnel respondents completed the judge's evaluation, no results are reported for that version of the evaluation survey and an "n/a" is displayed in the corresponding results sections of this report. This measure was taken to help protect the confidentiality of your nominated attorneys and court personnel. Respondents should never feel their confidentiality or jobs are at risk by completing a JPE.

Thus, the "n/a" label in this report means either of the following: 1) An insufficient number of eligible respondents for whom valid contact information was available were nominated to complete the evaluation, or, (2) An insufficient number of eligible nominees actually completed your evaluation in its entirety. Nominees may have felt that they did not have enough experience working with you to supply an evaluation, or they may have been unavailable to provide an evaluation of your performance within the 3-week evaluation period.

HANDOUT #2

MOCK SUMMARY JUDGE B



Supreme Court of Illinois
Judicial Performance Evaluation Program

Report for the Honorable Judge B

Summary Report 1

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 Report on Communication Skills 9

 Report on Management Skills 11

Appendix: Technical Notes



Supreme Court of Illinois
Judicial Performance Evaluation Program
 Summary Report for the Honorable Judge B

This Summary Report offers a one-page overview of results from your 2012 Supreme Court of Illinois Judicial Performance Evaluation (JPE). This overview consists of two sections. First, the *Survey Participants* table displays the number of eligible attorney and court personnel evaluators you nominated, the number of evaluations completed by attorneys and court personnel, and your attorney and court personnel response rates. Second, the *Evaluation Summary* section displays results by performance area and as a total score. Each performance area score takes into account ratings on different subsets of survey items that are described in the attached Performance Area Report. The total score takes into account all 59 questions asked of attorneys and 39 questions asked of court personnel. The bars display **your average score (in gold)** and the **average score across all judges (in dark blue)** who have participated in the JPE to date. Average scores range from 1 to 5, with 5 as the best possible score. The columns on the right side of the *Evaluation Summary* display the range of scores you received, indicating your lowest and highest score by performance area and in total. For more information about JPE survey eligibility, JPE survey item construction, and score calculations, please refer to the Appendix.

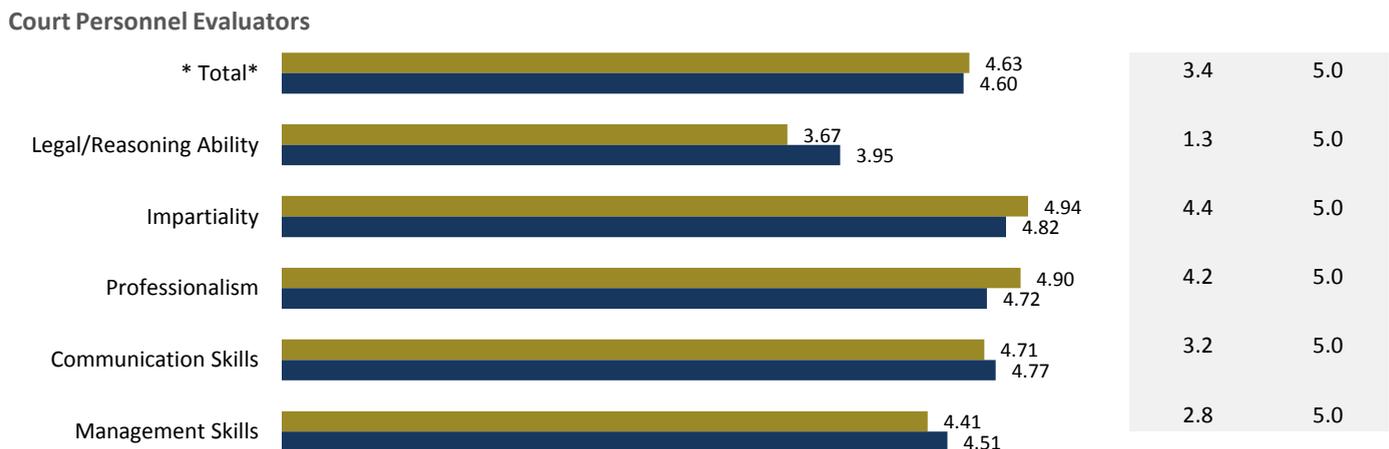
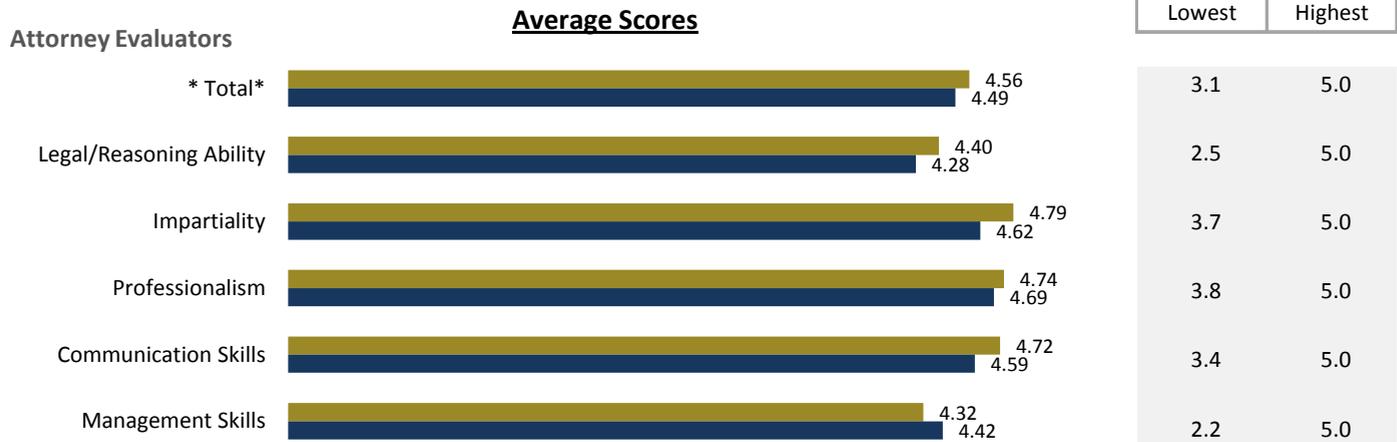
<u>Survey Participants</u>	<u>Attorneys</u>	<u>Court Personnel</u>
Number of Eligible Participants	51	25
Number of Completed Evaluations	31	21
Response Rate	61%	84%

You are one of **182 judges** to participate in the Supreme Court of Illinois Judicial Performance Evaluation Program to date.

Evaluation Summary

■ Your Score
 ■ Score For All Judges

Range of Scores You Received	
Lowest	Highest





Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge B

How to Read the Performance Area Report

This Performance Area Report is a multiple-page description of the results from your 2011 Supreme Court of Illinois Judicial Performance Evaluation (JPE). This more detailed report presents your results, itemized by performance area.

This Performance Area Report consists of five sections. Each section corresponds with one of the five performance areas in your JPE: (1) legal and reasoning ability, (2) impartiality, (3) communication skills, (4) professionalism, and (5) management skills.

For each performance area, all items included in the attorney survey and court personnel survey are listed. Next to each survey item, results are provided as average ratings: first, your rating as averaged across all the attorney respondents or court personnel respondents who evaluated your performance on that particular survey item; then, the average rating on that item across all Illinois judges who have participated in the JPE program to date. The third and fourth columns display the range of ratings you received from respondents, indicating your lowest and highest numeric ratings on each item.

Following all item ratings in a given performance area, all clarifying or additional comments provided by respondents about your judicial performance are collated verbatim. Comments from attorneys and from court personnel respondents are listed separately.

If too few attorney or court personnel respondents completed your judicial performance evaluation, no data is reported and an "n/a" will appear in the corresponding results sections. For more information, refer to the "Insufficient Data" section of Appendix.

Note that for all survey items, higher average ratings reflect better performance regardless of the wording of the item. For more information about how survey items were constructed and how rating scales were used, refer to the "Evaluation Questions and Ratings" section of the Appendix.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge B

Report on Legal and Reasoning Ability

	Average Rating		Range of Ratings You Received	
	You	All Judges	Lowest	Highest
<u>Attorney Evaluators</u>				
The judge’s ruling cited the applicable substantive law.	4.43	4.13	2	5
The judge adhered to the appropriate rules of procedure.	4.73	4.55	3	5
The judge applied rules of evidence relevant to the case.	4.67	4.46	3	5
The judge failed to provide a proper legal basis for a decision.*	4.55	4.29	2	5
The judge's decision was inconsistent with rules of evidence.*	4.48	4.39	2	5
The judge drew a conclusion about the case that was inconsistent with the evidence presented.*	4.64	4.37	2	5
The judge incorrectly interpreted a previous court decision applicable to the case.*	4.58	4.53	2	5
The judge correctly interpreted a relevant higher court ruling.	3.84	3.93	1	5
The judge’s decision followed logically from the evidence presented.	4.46	4.34	2	5
The judge had difficulty applying the law to the facts in the case.*	4.63	4.52	2	5
The judge incorrectly identified the main issues in a case.*	4.29	4.45	2	5
The judge assisted the parties in reaching agreement.	3.60	3.58	1	5
The judge assisted parties in narrowing key issues in dispute.	3.82	3.72	1	5
The judge quickly resolved problems that arose during the proceedings.	4.30	4.20	1	5
The judge rendered a well-reasoned decision.	4.47	4.33	2	5
<u>Court Personnel Evaluators</u>				
The judge assisted the parties in reaching agreement.	4.00	3.53	1	5
The judge quickly resolved problems that arose during the proceedings.	4.00	4.32	2	5
The judge assisted parties in narrowing key issues in dispute.	4.00	4.03	1	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge B

Legal and Reasoning Ability Comments

Attorney Evaluators

I do not believe the judge has a strong background in commercial/civil practice and could use some work in this regard.

It seems to me that the Judge stays current on recently reported Appellate court decisions.

She is lacking in legal ability and intellect as a starting point, so the results are generally what you would expect given that background.

Judge B did not, at the time of my case, have significant experience in family law, but handled this post-dissolution case well.

Court Personnel Evaluators

Judge B has continued to grow in both her legal and reasoning ability.

Does not seem confident in above areas.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge B

Report on Impartiality

	Average Rating		Range of Ratings You Received	
	You	All Judges	Lowest	Highest
<u>Attorney Evaluators</u>				
The judge treated one of the two parties with favoritism.*	4.84	4.57	4	5
The judge weighed the evidence impartially.	4.60	4.45	2	5
The judge carefully considered arguments from both sides before ruling.	4.73	4.58	3	5
The judge conducted the proceeding in a neutral manner.	4.81	4.63	3	5
The judge appeared to decide the outcome of the case before all evidence was presented.*	4.69	4.48	3	5
The judge made a decision before hearing all of the argument.*	4.72	4.53	3	5
The judge unnecessarily restricted an attorney’s presentation.*	4.63	4.61	2	5
The judge allowed legally irrelevant information to sway her or his decision.*	4.76	4.62	4	5
The judge treated the parties equally.	4.90	4.66	4	5
The judge’s decision was unduly influenced by extralegal factors (e.g., possible public criticism, political interests, fear of appeal, special gifts/favors).*§	4.89	4.84	4	5
The judge’s decision was unduly influenced by personal characteristics of one of the parties (e.g., race, ethnicity, gender, age, socioeconomic status).*§	5.00	4.90	5	5
The judge appeared to maintain an open mind during proceedings.	4.83	4.56	4	5
The judge appeared to categorically favor one side (prosecution or defense) over the other.*	4.74	4.64	3	5
<u>Court Personnel Evaluators</u>				
The judge treated one of the two parties with favoritism.*	4.75	4.80	3	5
The judge conducted the proceeding in a neutral manner.	5.00	4.78	5	5
The judge appeared to decide the outcome of the case before all evidence was presented.*	5.00	4.76	5	5
The judge unnecessarily restricted an attorney’s presentation.*	4.75	4.80	3	5
The judge treated the parties equally.	5.00	4.84	5	5
The judge’s decision was unduly influenced by extralegal factors (e.g., possible public criticism, political interests, fear of appeal, special gifts/favors).*§	5.00	4.92	5	5
The judge’s decision was unduly influenced by personal characteristics of one of the parties (e.g., race, ethnicity, gender, age, socioeconomic status).*§	5.00	4.95	5	5
The judge appeared to maintain an open mind during proceedings.	5.00	4.76	5	5
The judge appeared to categorically favor one side (prosecution or defense) over the other.*	5.00	4.84	5	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.

§ For this item, any average rating lower than "5" means that one or more respondents found your decision(s) to be unduly influenced by other factors (extralegal factors, personal characteristics). See "Respondent Comments on your Impartiality" section for details.



Supreme Court of Illinois

Judicial Performance Evaluation Program

Performance Area Report for the Honorable Judge B

Impartiality Comments

Attorney Evaluators

Judge B is completely impartial and treats all sides with respect.

Judge B always kept an open mind about the issue before her and always came to a decision adequately supported by the law irrespective of who presented it.

Responses related to extralegal and personal characteristic influences:

n/a

Court Personnel Evaluators

Judge B bent over backwards to allow both parties to present all materials and arguments they deemed relevant.

Responses related to extralegal and personal characteristic influences:

n/a



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge B

Report on Professionalism

Average Rating		Range of Ratings You Received	
You	All Judges	Lowest	Highest

Attorney Evaluators

The judge appeared to be attending to issues irrelevant to his/her courtroom duties during the court proceeding at hand.*	4.97	4.65	4	5
The judge overreacted to an incident in the courtroom.*	4.40	4.62	1	5
The judge retaliated against an attorney through her or his decision(s) in a case.*	4.97	4.89	4	5
The judge took measures to curb unprofessional attorney behavior during a proceeding.	3.56	3.69	1	5
The judge disrupted a court proceeding (e.g., with personal cell phone usage, by having discussions with observers, by interjecting personal comments).*	4.97	4.88	4	5
The judge addressed individuals (e.g., attorneys, court staff, litigants, public, witnesses) disrespectfully in the courtroom.*	4.67	4.76	3	5
The judge used unnecessary intimidation to maintain control of the courtroom.*	4.83	4.84	4	5
The judge appeared to be bored with a case.*	4.70	4.71	3	5
The judge carefully reviewed evidentiary materials in the case.	4.68	4.53	3	5
The judge was unprepared for court.*	4.81	4.78	3	5
The judge maintained a professional demeanor in the courtroom.	4.84	4.76	3	5

Court Personnel Evaluators

The judge appeared to be attending to issues irrelevant to his/her courtroom duties during the court proceeding at hand.*	5.00	4.66	5	5
The judge overreacted to an incident in the courtroom.*	5.00	4.72	5	5
The judge took measures to curb unprofessional attorney behavior during a proceeding.	4.00	3.82	1	5
The judge disrupted a court proceeding (e.g., with personal cell phone usage, by having discussions with observers, by interjecting personal comments).*	5.00	4.89	5	5
The judge addressed individuals (e.g., attorneys, court staff, litigants, public, witnesses) disrespectfully in the courtroom.*	5.00	4.83	5	5
The judge used unnecessary intimidation to maintain control of the courtroom.*	5.00	4.89	5	5
The judge treated court employees respectfully regardless of position.	5.00	4.79	5	5
The judge appeared to be bored with a case.*	4.75	4.73	3	5
The judge was unprepared for court.*	5.00	4.86	5	5
The judge maintained a professional demeanor in the courtroom.	5.00	4.84	5	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.



Supreme Court of Illinois

Judicial Performance Evaluation Program

Performance Area Report for the Honorable Judge B

Professionalism Comments

Attorney Evaluators

Very, very professional. The biggest weakness was her failure to communicate with the parties to try to resolve the matter.

The judge is very professional and makes you feel welcome in her courtroom.

Court Personnel Evaluators

Judge B really demonstrates a strong sensitivity to cultural, age, gender and disability issues.

Judge B is a nice judge - everyone generally likes her. Occasionally she engages in behavior that is too friendly for the bench.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge B

Report on Communication Skills

Average Rating		Range of Ratings You Received	
You	All Judges	Lowest	Highest

Attorney Evaluators

The judge issued an order that was clearly written.	4.59	4.37	2	5
The judge spoke clearly during the court proceeding.	4.87	4.72	3	5
When issuing an oral decision, the judge failed to provide an explanation for the decision.*	4.63	4.51	2	5
The judge gave reasons for a ruling when needed.	4.70	4.55	2	5
The judge made sure all parties (attorneys and the clients they represent) understood the court proceedings.	4.63	4.57	2	5
The judge’s oral communication in court was easily understood.	4.77	4.68	2	5
The judge contradicted herself or himself during the court proceedings.*	4.80	4.64	2	5
The judge issued a concise oral decision.	4.55	4.46	2	5
The judge listened carefully during the court proceeding.	4.84	4.70	3	5

Court Personnel Evaluators

The judge spoke clearly during the court proceeding.	4.50	4.79	2	5
When issuing an oral decision, the judge failed to provide an explanation for the decision.*	4.50	4.74	2	5
The judge gave reasons for a ruling when needed.	4.75	4.70	3	5
The judge made sure all parties (attorneys and the clients they represent) understood the court proceedings.	4.75	4.77	2	5
The judge’s oral communication in court was easily understood.	4.75	4.75	2	5
The judge listened carefully during the court proceedings.	5.00	4.85	5	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge B

Communication Comments

Attorney Evaluators

The judge sometimes seems indecisive or unsure when talking through rulings, but ultimately the rulings are always decisive and well grounded.

Court Personnel Evaluators

Sometimes the judge explains too much to jurors. Something could be said in a sentence and she will give a paragraph, then an example, then another paragraph.

She seems to be good about communicating with the guardians and family members, and makes a point to show an interest in the well-being of the wards.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge B

Report on Management Skills

Average Rating		Range of Ratings You Received	
You	All Judges	Lowest	Highest

Attorney Evaluators

The judge started courtroom proceedings on time.	4.23	4.40	1	5
The judge kept the cases moving promptly.	4.27	4.40	1	5
The judge maintained an orderly pre-trial schedule.	4.37	4.47	1	5
The judge lost control of the courtroom.*	4.97	4.88	4	5
The judge failed to explain the reason for a delay.*	4.00	4.48	1	5
Considering amount of case law required to make the decision, the judge was slow in rendering a decision.*	4.38	4.54	1	5
For a continuance, the judge required parties to show cause.	3.58	3.51	1	5
The judge allowed the appropriate amount of time for each case.	4.20	4.46	1	5
The judge enforced court deadlines (e.g., for filing documents).	4.35	4.10	2	5
The judge used courtroom time efficiently.	4.42	4.47	1	5
The judge provided court staff with clear direction.	4.34	4.59	2	5

Court Personnel Evaluators

The judge started courtroom proceedings on time.	4.25	4.41	2	5
The judge kept the cases moving promptly.	4.75	4.49	3	5
The judge maintained an orderly pre-trial schedule.	4.33	4.57	2	5
The judge lost control over the courtroom.*	4.25	4.86	2	5
The judge failed to explain the reason for a delay.*	4.00	4.46	2	5
For a continuance, the judge required parties to show cause.	4.25	3.86	2	5
The judge allowed the appropriate amount of time for each case.	4.33	4.59	3	5
The judge enforced court deadlines (e.g., for filing documents).	4.00	4.36	3	5
The judge used courtroom time efficiently.	4.75	4.60	3	5
The judge provided court staff with clear direction.	4.75	4.68	3	5
The judge thoroughly addressed concerns raised by court staff.	4.75	4.60	3	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge B

Management Comments

Attorney Evaluators

Judge B was simply too passive with respect to presiding over complex motion arguments.

Court Personnel Evaluators

All of these questions reflect on Judge B's poor courtroom management and staff management skills. She is just too nice. Sometimes you have to be the bad guy. Judge B doesn't like anybody not to like her. That is one of her weaknesses, I think.

The time in Judge B's courtroom was poorly managed at times (not all the time) and at times there were delays when having cases called.

Sometime Judge B is too late to the bench to hear case managements or motions because she is conducting pre-trials in chambers that have run longer than she anticipated.

I believe that Judge B is too soft with discovery deadlines and other deadlines to keep the case moving.

Time management is a great weakness of Judge B's. She spends far too much time on very small insignificant details that end up costing the ward money in fees and court time.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Appendix: Technical Notes

EVALUATION FORMS

Eligible participants for the Attorney evaluation included all practicing attorneys who represented a client that appeared before the evaluated judge within the past 12 months. Eligible participants for the Court Personnel evaluation included all those who worked with the judge in their courtroom within the past 12 months. This included employees of the court, such as court clerks and bailiffs; nonattorneys who work in the courtroom, such as court interpreters or court reporters; and individuals who appeared before the court to provide status reports or testimony, such as probation officers or social workers. Respondents were screened at the beginning of the Judicial Performance Evaluation (JPE) and were removed from the data analysis and calculation of "Number of Eligible Participants" if they did not meet the inclusion criteria.

Additionally, some nominated respondents may have been eligible to complete this JPE, but valid contact information for the nominee was not provided. Only those with valid contact information could be invited to participate in the JPE. Nominees without valid contact information were thus excluded from the calculation of "Number of Eligible Participants."

EVALUATION QUESTIONS AND RATINGS

Following best practices in survey design, this performance evaluation incorporated items that were positively worded (e.g., "The judge quickly resolved problems that arose during the proceedings.") and negatively worded (e.g., "The judge incorrectly identified the main issues in a case"). Positively worded questions inquire about the incidence of behaviors that a judge should perform in court, whereas negatively worded questions inquire about the incidence of behaviors that a judge should not engage in. For example, a rating of "5" on a negatively worded question indicates problematic judicial behavior, whereas a rating of "5" on a positively worded question reflects judicial excellence. By balancing positively and negatively worded questions, an evaluation survey obviates some common response biases that can distort results.

Standard protocol to compute the arithmetic mean requires the rating scale for negatively worded questions to be reversed. This reversal recodes responses so that, for all questions in the evaluation form, a high rating indicates a more favorable evaluation and a low rating indicates a less favorable evaluation. These "reverse coded" items are identified with an asterisk in the report. After the rating scale has been standardized across all questions in the evaluation, ranges are determined and aggregate scores for each performance area and for the total evaluation may be meaningfully computed (see below).

CALCULATION OF PERFORMANCE AREA SCORES

Performance area scores were derived using the following procedure. First, each individual respondent's ratings of the evaluated judge were averaged across all items in each identified area of judicial performance (legal/reasoning ability, impartiality, communication skills, professionalism, management skills). These scores were calculated as an arithmetic mean: the sum of all relevant ratings provided by the respondent was divided by the number of items answered by the respondent. An individual respondent must have completed a minimum of three questions within a particular performance area or they were excluded from the analysis. The average of these respondent-level average scores created the judge's *performance area score*. This score was computed as the arithmetic mean across all respondents in the evaluation: The sum of all respondent-level scores was divided by the number of eligible respondents who rated the judge on at least three questions in that performance area.

CALCULATION OF TOTAL SCORES

Total evaluation scores were obtained using a procedure similar to that used in the computation of performance area scores. Each respondent's performance area subscores for the evaluated judge were averaged to create a total score. At least three performance area subscores must have been calculated for an individual respondent to be included in this report. The arithmetic mean of the total score across all respondents was computed and appears as the *total score*.

INSUFFICIENT DATA

If fewer than 10 attorney respondents or court personnel respondents completed the judge's evaluation, no results are reported for that version of the evaluation survey and an "n/a" is displayed in the corresponding results sections of this report. This measure was taken to help protect the confidentiality of your nominated attorneys and court personnel. Respondents should never feel their confidentiality or jobs are at risk by completing a JPE.

Thus, the "n/a" label in this report means either of the following: 1) An insufficient number of eligible respondents for whom valid contact information was available were nominated to complete the evaluation, or, (2) An insufficient number of eligible nominees actually completed your evaluation in its entirety. Nominees may have felt that they did not have enough experience working with you to supply an evaluation, or they may have been unavailable to provide an evaluation of your performance within the 3-week evaluation period.

HANDOUT #3

MOCK SUMMARY JUDGE C



Supreme Court of Illinois
Judicial Performance Evaluation Program

Report for the Honorable Judge C

Summary Report 1

How to Read the Performance Area Report 2

Performance Area Report

 Report on Legal and Reasoning Ability 3

 Report on Impartiality 5

 Report on Professionalism 7

 Report on Communication Skills 9

 Report on Management Skills 11

Appendix: Technical Notes



Supreme Court of Illinois
Judicial Performance Evaluation Program
Summary Report for the Honorable Judge C

This Summary Report offers a one-page overview of results from your 2012 Supreme Court of Illinois Judicial Performance Evaluation (JPE). This overview consists of two sections. First, the *Survey Participants* table displays the number of eligible attorney and court personnel evaluators you nominated, the number of evaluations completed by attorneys and court personnel, and your attorney and court personnel response rates. Second, the *Evaluation Summary* section displays results by performance area and as a total score. Each performance area score takes into account ratings on different subsets of survey items that are described in the attached Performance Area Report. The total score takes into account all 59 questions asked of attorneys and 39 questions asked of court personnel. The bars display **your average score (in gold)** and the **average score across all judges (in dark blue)** who have participated in the JPE to date. Average scores range from 1 to 5, with 5 as the best possible score. The columns on the right side of the *Evaluation Summary* display the range of scores you received, indicating your lowest and highest score by performance area and in total. For more information about JPE survey eligibility, JPE survey item construction, and score calculations, please refer to the Appendix.

<u>Survey Participants</u>	<u>Attorneys</u>	<u>Court Personnel</u>
Number of Eligible Participants	112	31
Number of Completed Evaluations	75	25
Response Rate	67%	81%

You are one of **182 judges** to participate in the Supreme Court of Illinois Judicial Performance Evaluation Program to date.

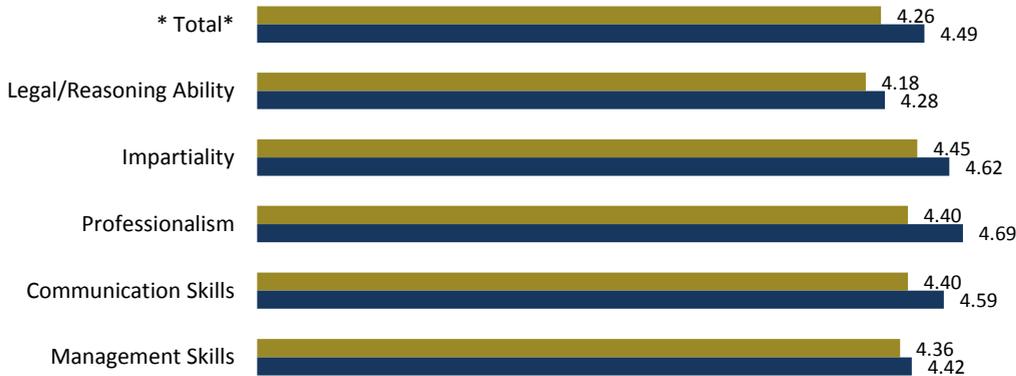
Evaluation Summary

■ Your Score
 ■ Score For All Judges

Range of Scores You Received	
Lowest	Highest

Attorney Evaluators

Average Scores



2.7	4.9
2.8	5.0
2.1	5.0
3.1	5.0
2.0	4.7
3.2	5.0

Court Personnel Evaluators



2.9	5.0
1.3	5.0
4.2	5.0
3.2	5.0
2.8	5.0
2.6	5.0



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge C

How to Read the Performance Area Report

This Performance Area Report is a multiple-page description of the results from your 2011 Supreme Court of Illinois Judicial Performance Evaluation (JPE). This more detailed report presents your results, itemized by performance area.

This Performance Area Report consists of five sections. Each section corresponds with one of the five performance areas in your JPE: (1) legal and reasoning ability, (2) impartiality, (3) communication skills, (4) professionalism, and (5) management skills.

For each performance area, all items included in the attorney survey and court personnel survey are listed. Next to each survey item, results are provided as average ratings: first, your rating as averaged across all the attorney respondents or court personnel respondents who evaluated your performance on that particular survey item; then, the average rating on that item across all Illinois judges who have participated in the JPE program to date. The third and fourth columns display the range of ratings you received from respondents, indicating your lowest and highest numeric ratings on each item.

Following all item ratings in a given performance area, all clarifying or additional comments provided by respondents about your judicial performance are collated verbatim. Comments from attorneys and from court personnel respondents are listed separately.

If too few attorney or court personnel respondents completed your judicial performance evaluation, no data is reported and an "n/a" will appear in the corresponding results sections. For more information, refer to the "Insufficient Data" section of Appendix.

Note that for all survey items, higher average ratings reflect better performance regardless of the wording of the item. For more information about how survey items were constructed and how rating scales were used, refer to the "Evaluation Questions and Ratings" section of the Appendix.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge C

Report on Legal and Reasoning Ability

	Average Rating		Range of Ratings You Received	
	You	All Judges	Lowest	Highest
<u>Attorney Evaluators</u>				
The judge’s ruling cited the applicable substantive law.	3.75	4.13	1	5
The judge adhered to the appropriate rules of procedure.	4.54	4.55	2	5
The judge applied rules of evidence relevant to the case.	4.64	4.46	3	5
The judge failed to provide a proper legal basis for a decision.*	4.23	4.29	1	5
The judge's decision was inconsistent with rules of evidence.*	4.45	4.39	2	5
The judge drew a conclusion about the case that was inconsistent with the evidence presented.*	4.08	4.37	1	5
The judge incorrectly interpreted a previous court decision applicable to the case.*	4.82	4.53	3	5
The judge correctly interpreted a relevant higher court ruling.	3.70	3.93	1	5
The judge’s decision followed logically from the evidence presented.	4.55	4.34	2	5
The judge had difficulty applying the law to the facts in the case.*	4.67	4.52	3	5
The judge incorrectly identified the main issues in a case.*	4.46	4.45	2	5
The judge assisted the parties in reaching agreement.	2.50	3.58	1	5
The judge assisted parties in narrowing key issues in dispute.	2.57	3.72	1	5
The judge quickly resolved problems that arose during the proceedings.	4.23	4.20	1	5
The judge rendered a well-reasoned decision.	4.33	4.33	2	5

Court Personnel Evaluators

The judge assisted the parties in reaching agreement.	2.29	3.53	1	5
The judge quickly resolved problems that arose during the proceedings.	4.14	4.32	1	5
The judge assisted parties in narrowing key issues in dispute.	4.00	4.03	2	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge C

Legal and Reasoning Ability Comments

Attorney Evaluators

He was an excellent trial lawyer before he ascended to the bench. Above average ability to work through complicated facts and law.

He handled a somewhat complex insurance coverage issue well and resolved it promptly.

Judge C's legal and reasoning ability is excellent. My only comment is that once a decision is reached, there is no need to expound upon it endlessly.

Court Personnel Evaluators

Judge C is very sharp.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge C

Report on Impartiality

	Average Rating		Range of Ratings You Received	
	You	All Judges	Lowest	Highest
<u>Attorney Evaluators</u>				
The judge treated one of the two parties with favoritism.*	3.92	4.57	1	5
The judge weighed the evidence impartially.	4.42	4.45	2	5
The judge carefully considered arguments from both sides before ruling.	4.25	4.58	2	5
The judge conducted the proceeding in a neutral manner.	4.31	4.63	2	5
The judge appeared to decide the outcome of the case before all evidence was presented.*	4.42	4.48	1	5
The judge made a decision before hearing all of the argument.*	4.67	4.53	3	5
The judge unnecessarily restricted an attorney’s presentation.*	4.46	4.61	2	5
The judge allowed legally irrelevant information to sway her or his decision.*	4.67	4.62	1	5
The judge treated the parties equally.	4.38	4.66	1	5
The judge’s decision was unduly influenced by extralegal factors (e.g., possible public criticism, political interests, fear of appeal, special gifts/favors).*§	5.00	4.84	5	5
The judge’s decision was unduly influenced by personal characteristics of one of the parties (e.g., race, ethnicity, gender, age, socioeconomic status).*§	4.69	4.90	3	5
The judge appeared to maintain an open mind during proceedings.	4.23	4.56	1	5
The judge appeared to categorically favor one side (prosecution or defense) over the other.*	4.23	4.64	1	5
<u>Court Personnel Evaluators</u>				
The judge treated one of the two parties with favoritism.*	4.50	4.80	2	5
The judge conducted the proceeding in a neutral manner.	4.75	4.78	3	5
The judge appeared to decide the outcome of the case before all evidence was presented.*	5.00	4.76	5	5
The judge unnecessarily restricted an attorney’s presentation.*	4.75	4.80	2	5
The judge treated the parties equally.	4.88	4.84	2	5
The judge’s decision was unduly influenced by extralegal factors (e.g., possible public criticism, political interests, fear of appeal, special gifts/favors).*§	5.00	4.92	3	5
The judge’s decision was unduly influenced by personal characteristics of one of the parties (e.g., race, ethnicity, gender, age, socioeconomic status).*§	4.75	4.95	5	5
The judge appeared to maintain an open mind during proceedings.	4.88	4.76	3	5
The judge appeared to categorically favor one side (prosecution or defense) over the other.*	4.88	4.84	3	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.

§ For this item, any average rating lower than "5" means that one or more respondents found your decision(s) to be unduly influenced by other factors (extralegal factors, personal characteristics). See "Respondent Comments on your Impartiality" section for details.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge C

Impartiality Comments

Attorney Evaluators

The judge was on the side of the State during every moment of the case. Only addressed lawyer for state directly.

As a young minority lawyer, when I have argued against an older white lawyer, the judge seemed to take whatever opportunity to refer to me in ways that showed less respect.

Judge C: Withhold your opinion until you've heard, read and absorbed all of the evidence and legal argument!

Responses related to extralegal and personal characteristic influences:

n/a

Court Personnel Evaluators

I can't say he seemed to exercise favoritism as his negative behaviors seemed to impact both sides equally.

Responses related to extralegal and personal characteristic influences:

n/a



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge C

Report on Professionalism

Average Rating		Range of Ratings You Received	
You	All Judges	Lowest	Highest

Attorney Evaluators

The judge appeared to be attending to issues irrelevant to his/her courtroom duties during the court proceeding at hand.*	4.29	4.65	1	5
The judge overreacted to an incident in the courtroom.*	3.79	4.62	1	5
The judge retaliated against an attorney through her or his decision(s) in a case.*	4.69	4.89	2	5
The judge took measures to curb unprofessional attorney behavior during a proceeding.	3.57	3.69	2	5
The judge disrupted a court proceeding (e.g., with personal cell phone usage, by having discussions with observers, by interjecting personal comments).*	4.93	4.88	2	5
The judge addressed individuals (e.g., attorneys, court staff, litigants, public, witnesses) disrespectfully in the courtroom.*	4.29	4.76	1	5
The judge used unnecessary intimidation to maintain control of the courtroom.*	4.36	4.84	1	5
The judge appeared to be bored with a case.*	4.43	4.71	1	5
The judge carefully reviewed evidentiary materials in the case.	4.42	4.53	1	5
The judge was unprepared for court.*	4.79	4.78	3	5
The judge maintained a professional demeanor in the courtroom.	4.36	4.76	1	5

Court Personnel Evaluators

The judge appeared to be attending to issues irrelevant to his/her courtroom duties during the court proceeding at hand.*	4.63	4.66	3	5
The judge overreacted to an incident in the courtroom.*	3.63	4.72	2	5
The judge took measures to curb unprofessional attorney behavior during a proceeding.	3.83	3.82	1	5
The judge disrupted a court proceeding (e.g., with personal cell phone usage, by having discussions with observers, by interjecting personal comments).*	4.63	4.89	1	5
The judge addressed individuals (e.g., attorneys, court staff, litigants, public, witnesses) disrespectfully in the courtroom.*	4.63	4.83	1	5
The judge used unnecessary intimidation to maintain control of the courtroom.*	4.00	4.89	1	5
The judge treated court employees respectfully regardless of position.	4.63	4.79	1	5
The judge appeared to be bored with a case.*	5.00	4.73	5	5
The judge was unprepared for court.*	5.00	4.86	5	5
The judge maintained a professional demeanor in the courtroom.	4.63	4.84	1	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.



Supreme Court of Illinois

Judicial Performance Evaluation Program

Performance Area Report for the Honorable Judge C

Professionalism Comments

Attorney Evaluators

His tone and manner sometimes intimidated the general public and defendants, making them concerned about his impartiality.

He can lose his temper and that is unprofessional. He can also be disrespectful to attorneys.

Judge C sometimes is short with people in his courtroom, to the point of being disrespect.

Court Personnel Evaluators

Judge C spends a great deal of time out of the court.

Courtroom staff is not always treated with respect. The judge frequently belittles, criticizes and unfairly treats courtroom personnel during court proceedings.

Judge C's main problem is that he is becoming increasingly impatient, occasionally making comments to attorneys and courtroom personnel that are rude and disrespectful.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge C

Report on Communication Skills

	Average Rating		Range of Ratings You Received	
	You	All Judges	Lowest	Highest
<u>Attorney Evaluators</u>				
The judge issued an order that was clearly written.	4.20	4.37	2	5
The judge spoke clearly during the court proceeding.	4.36	4.72	3	5
When issuing an oral decision, the judge failed to provide an explanation for the decision.*	4.31	4.51	2	5
The judge gave reasons for a ruling when needed.	4.54	4.55	2	5
The judge made sure all parties (attorneys and the clients they represent) understood the court proceedings.	4.29	4.57	1	5
The judge’s oral communication in court was easily understood.	4.29	4.68	2	5
The judge contradicted herself or himself during the court proceedings.*	4.71	4.64	3	5
The judge issued a concise oral decision.	4.33	4.46	1	5
The judge listened carefully during the court proceeding.	4.57	4.70	1	5
<u>Court Personnel Evaluators</u>				
The judge spoke clearly during the court proceeding.	4.38	4.79	2	5
When issuing an oral decision, the judge failed to provide an explanation for the decision.*	4.75	4.74	3	5
The judge gave reasons for a ruling when needed.	4.75	4.70	3	5
The judge made sure all parties (attorneys and the clients they represent) understood the court proceedings.	5.00	4.77	5	5
The judge’s oral communication in court was easily understood.	4.25	4.75	2	5
The judge listened carefully during the court proceedings.	4.25	4.85	1	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge C

Communication Comments

Attorney Evaluators

Sometimes doesn't listen too well because he is too eager to hear himself talk.

Very direct!

Court Personnel Evaluators

The judge tends to talk a lot, sometimes confusing pro se litigants.

Judge C does not listen well to other opinions.

The Judge is very impatient, snaps frequently at litigants, will yell at counsel sometimes.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge C

Report on Management Skills

Average Rating		Range of Ratings You Received	
You	All Judges	Lowest	Highest

Attorney Evaluators

The judge started courtroom proceedings on time.	4.21	4.40	1	5
The judge kept the cases moving promptly.	4.21	4.40	1	5
The judge maintained an orderly pre-trial schedule.	4.54	4.47	2	5
The judge lost control of the courtroom.*	4.79	4.88	3	5
The judge failed to explain the reason for a delay.*	3.92	4.48	1	5
Considering amount of case law required to make the decision, the judge was slow in rendering a decision.*	4.82	4.54	3	5
For a continuance, the judge required parties to show cause.	3.50	3.51	1	5
The judge allowed the appropriate amount of time for each case.	4.31	4.46	2	5
The judge enforced court deadlines (e.g., for filing documents).	4.17	4.10	2	5
The judge used courtroom time efficiently.	4.43	4.47	2	5
The judge provided court staff with clear direction.	4.55	4.59	3	5

Court Personnel Evaluators

The judge started courtroom proceedings on time.	4.75	4.41	2	5
The judge kept the cases moving promptly.	4.63	4.49	2	5
The judge maintained an orderly pre-trial schedule.	4.29	4.57	1	5
The judge lost control over the courtroom.*	4.50	4.86	2	5
The judge failed to explain the reason for a delay.*	4.71	4.46	3	5
For a continuance, the judge required parties to show cause.	3.86	3.86	1	5
The judge allowed the appropriate amount of time for each case.	4.75	4.59	2	5
The judge enforced court deadlines (e.g., for filing documents).	4.43	4.36	2	5
The judge used courtroom time efficiently.	4.63	4.60	2	5
The judge provided court staff with clear direction.	4.63	4.68	2	5
The judge thoroughly addressed concerns raised by court staff.	4.63	4.60	2	5

* The ratings for this item were reverse coded so that higher values are more favorable than lower values. This was done to ensure interpretive consistency throughout this report.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Performance Area Report for the Honorable Judge C

Management Comments

Attorney Evaluators

Sometimes things moved a little too quickly.

Court Personnel Evaluators

He keeps things moving, sometimes at a pace where counsel and parties are scrambling.

It would be helpful if the judge would allow longer dates to permit work that requires more time.

Is not always considerate of court personnel for breaks, working hours, etc.

Judge C wastes very little time while in court. The call moves in an orderly fashion.



Supreme Court of Illinois
Judicial Performance Evaluation Program
Appendix: Technical Notes

EVALUATION FORMS

Eligible participants for the Attorney evaluation included all practicing attorneys who represented a client that appeared before the evaluated judge within the past 12 months. Eligible participants for the Court Personnel evaluation included all those who worked with the judge in their courtroom within the past 12 months. This included employees of the court, such as court clerks and bailiffs; nonattorneys who work in the courtroom, such as court interpreters or court reporters; and individuals who appeared before the court to provide status reports or testimony, such as probation officers or social workers. Respondents were screened at the beginning of the Judicial Performance Evaluation (JPE) and were removed from the data analysis and calculation of "Number of Eligible Participants" if they did not meet the inclusion criteria.

Additionally, some nominated respondents may have been eligible to complete this JPE, but valid contact information for the nominee was not provided. Only those with valid contact information could be invited to participate in the JPE. Nominees without valid contact information were thus excluded from the calculation of "Number of Eligible Participants."

EVALUATION QUESTIONS AND RATINGS

Following best practices in survey design, this performance evaluation incorporated items that were positively worded (e.g., "The judge quickly resolved problems that arose during the proceedings.") and negatively worded (e.g., "The judge incorrectly identified the main issues in a case"). Positively worded questions inquire about the incidence of behaviors that a judge should perform in court, whereas negatively worded questions inquire about the incidence of behaviors that a judge should not engage in. For example, a rating of "5" on a negatively worded question indicates problematic judicial behavior, whereas a rating of "5" on a positively worded question reflects judicial excellence. By balancing positively and negatively worded questions, an evaluation survey obviates some common response biases that can distort results.

Standard protocol to compute the arithmetic mean requires the rating scale for negatively worded questions to be reversed. This reversal recodes responses so that, for all questions in the evaluation form, a high rating indicates a more favorable evaluation and a low rating indicates a less favorable evaluation. These "reverse coded" items are identified with an asterisk in the report. After the rating scale has been standardized across all questions in the evaluation, ranges are determined and aggregate scores for each performance area and for the total evaluation may be meaningfully computed (see below).

CALCULATION OF PERFORMANCE AREA SCORES

Performance area scores were derived using the following procedure. First, each individual respondent's ratings of the evaluated judge were averaged across all items in each identified area of judicial performance (legal/reasoning ability, impartiality, communication skills, professionalism, management skills). These scores were calculated as an arithmetic mean: the sum of all relevant ratings provided by the respondent was divided by the number of items answered by the respondent. An individual respondent must have completed a minimum of three questions within a particular performance area or they were excluded from the analysis. The average of these respondent-level average scores created the judge's *performance area score*. This score was computed as the arithmetic mean across all respondents in the evaluation: The sum of all respondent-level scores was divided by the number of eligible respondents who rated the judge on at least three questions in that performance area.

CALCULATION OF TOTAL SCORES

Total evaluation scores were obtained using a procedure similar to that used in the computation of performance area scores. Each respondent's performance area subscores for the evaluated judge were averaged to create a total score. At least three performance area subscores must have been calculated for an individual respondent to be included in this report. The arithmetic mean of the total score across all respondents was computed and appears as the *total score*.

INSUFFICIENT DATA

If fewer than 10 attorney respondents or court personnel respondents completed the judge's evaluation, no results are reported for that version of the evaluation survey and an "n/a" is displayed in the corresponding results sections of this report. This measure was taken to help protect the confidentiality of your nominated attorneys and court personnel. Respondents should never feel their confidentiality or jobs are at risk by completing a JPE.

Thus, the "n/a" label in this report means either of the following: 1) An insufficient number of eligible respondents for whom valid contact information was available were nominated to complete the evaluation, or, (2) An insufficient number of eligible nominees actually completed your evaluation in its entirety. Nominees may have felt that they did not have enough experience working with you to supply an evaluation, or they may have been unavailable to provide an evaluation of your performance within the 3-week evaluation period.

TAB IV

SUPPLEMENTAL READINGS

AMERICAN BAR ASSOCIATION BLACK LETTER GUIDELINES FOR THE EVALUATION OF JUDICIAL PERFORMANCE

FEBRUARY 2005

I. GOALS

Guideline 1-1. Judicial evaluation programs improve the performance of individual judges and the judiciary as a whole. All court systems should develop and implement a formal program for the evaluation of judicial performance.

Guideline 1-2. In jurisdictions where judges are subject to reappointment, retention, or reelection, judicial evaluation programs enable those responsible for continuing judges in office to make informed decisions.

II. USES

Guideline 2-1. Primary uses of judicial performance evaluation include promoting judicial self-improvement, enhancing the quality of the judiciary as a whole, and providing relevant information to those responsible for continuing judges in office.

Guideline 2-2. Additional uses that may be considered include the effective assignment of judges within the judiciary and the improved design of continuing education programs.

Guideline 2-3. The uses of judicial performance evaluation do not include judicial discipline. The information developed in a judicial evaluation program should not be disseminated to authorities charged with disciplinary responsibility, unless required by law or by rules of professional conduct.

III. DISSEMINATION

Guideline 3-1. The dissemination of data and results from a judicial evaluation program should be consistent with and conform to the uses of the program. Except for the authorized uses of the performance evaluation and consistent with the law, the data and results should be confidential.

Guideline 3-2. When judicial evaluations are used only for judicial self-improvement, individual results should be provided only to the judge evaluated and the presiding or supervisory judge responsible for the performance of the court on which the judge serves.

Guideline 3-3. When judicial evaluations are used to improve the quality of the judiciary as a whole, results should not identify or give comparative rankings of individual judges. Guideline 3-4. When judicial evaluations are used to inform decision makers regarding the continuation of judges in office, results should be made readily available to those responsible for continuation decisions, including voters, governors, legislatures, and commissions.

-4.1. Those responsible for reappointing, reelecting, or retaining judges should be provided with objective summaries of evaluation results for each judge and an explanation of how to interpret the results.

-4.2. If evaluation results are provided to an individual or entity responsible for continuation decisions, and those results include assessments of a judge's overall performance or recommendations as to whether a judge should be continued in office, judges should have an opportunity to review and respond to the evaluation report before it is disseminated.

-4.3. If evaluation results are publicly disseminated, and those results include assessments of a judge's overall performance or recommendations as to whether a judge should be continued in office, judges should have an opportunity to review, respond, and meet with members of the evaluation body before the results are made public.

IV. ADMINISTRATION AND SUPPORT

Guideline 4-1. Ultimate authority over the development and implementation of a judicial performance evaluation program should be vested in the highest court or other constitutionally mandated body having ultimate responsibility for judicial administration.

-1.1. In states where performance evaluation programs have not been established by the judiciary or other governmental body, bar associations should develop and administer evaluation programs according to these guidelines.

-1.2. In states where judges are chosen in contested elections, it may be inappropriate for the judicial branch or any other entity using public funds to disseminate performance evaluations of incumbent judges running for reelection. In order to provide voters in these states with relevant information, bar associations should develop and administer judicial performance evaluation programs according to these guidelines.

Guideline 4-2. The day-to-day activities of the judicial evaluation program should operate through an independent, broadly based, and diverse committee.

-2.1. In jurisdictions where judicial evaluations are used solely for self-improvement and for improving the quality of the judiciary as a whole, oversight committees should be composed of members of the bench and the bar.

-2.2. In jurisdictions where evaluations are used to inform decisions regarding the continuation of judges in office, oversight committees should also include members of the public who are familiar with the judicial system.

Guideline 4-3. Staff support and adequate funding should be available to support a judicial evaluation program of high quality.

Guideline 4-4. Judicial evaluation programs should be structured and implemented so as not to impair judicial independence. The evaluation process should be free from political, ideological, and issue-oriented considerations.

Guideline 4-5. Judicial evaluation programs should be developed systematically and may be implemented in progressive stages. Evaluation programs should remain flexible so that they may be modified as needed. The entity having ultimate responsibility for the evaluation program should conduct periodic assessments of the program.

V. CRITERIA

Guideline 5-1. A judge should be evaluated on his or her legal ability, including the following criteria:

- 1-1. Legal reasoning ability.
- 1.2. Knowledge of substantive law.
- 1.3. Knowledge of rules of procedure and evidence.
- 1.4. Keeping current on developments in law, procedure, and evidence.

Guideline 5-2. A judge should be evaluated on his or her integrity and impartiality, including the following criteria:

- 2.1. Avoidance of impropriety and the appearance of impropriety.
- 2.2. Treating all people with dignity and respect.
- 2.3. Absence of favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.
- 2.4. Acting fairly by giving people individual consideration.
- 2.5. Consideration of both sides of an argument before rendering a decision.
- 2.6. Basing decisions on the law and the facts without regard to the identity of the parties or counsel, and with an open mind in considering all issues.
- 2.7. Ability to make difficult or unpopular decisions.

Guideline 5-3. A judge should be evaluated on his or her communication skills, including the following criteria:

- 3.1. Clear and logical oral communication while in court.
- 3.2. Clear and logical written decisions.

Guideline 5-4. A judge should be evaluated on his or her professionalism and temperament, including the following criteria:

- 4.1. Acting in a dignified manner.
- 4.2. Treating people with courtesy.
- 4.3. Acting with patience and self-control.
- 4.4. Dealing with pro se litigants and litigation fairly and effectively.

-4.5. Participating and providing leadership to an appropriate degree in professional development activities and in jurisdiction-wide and statewide court improvement and judicial education activities.

-4.6. Promoting public understanding of and confidence in the courts.

Guideline 5-5. A judge should be evaluated on his or her administrative capacity, including the following criteria:

-5.1. Punctuality and preparation for court.

-5.2. Maintaining control over the courtroom.

-5.3. Appropriate enforcement of court rules, orders, and deadlines.

-5.4. Making decisions and rulings in a prompt, timely manner.

-5.5. Managing his or her calendar efficiently.

-5.6. Using settlement conferences and alternative dispute resolution mechanisms as appropriate.

-5.7. Demonstrating appropriate innovation in using technology to improve the administration of justice.

-5.8. Fostering a productive work environment with other judges and court staff.

-5.9. Utilizing recruitment, hiring, and promotion policies and practices to ensure that the pool of qualified applicants for court employment is broad and diverse.

-5.10. Acting to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system.

Guideline 5-6. Additional criteria should be developed reflective of jurisdiction (specialized versus general) and level of court (trial versus appellate).

-6.1. A specialized court judge should be evaluated according to whether he or she demonstrates the knowledge and skills necessary.

-6.2. An appellate court judge should be evaluated on the quality of his or her preparation for and participation in oral argument and on his or her effectiveness in working with other judges of the court.

VI. METHODOLOGY

Guideline 6-1. The judicial evaluation process is comprised of data collection, synthesis and analysis, and its usage.

Guideline 6-2. Expert competence should be used in developing methods for evaluating judges and collecting and analyzing data.

Guideline 6-3. Behavior-based instruments should be used to evaluate judges.

Guideline 6-4. The evaluation process must ensure the anonymity of individual respondents.

Guideline 6-5. Reliable sources of information should be developed for judicial evaluation programs.

-5.1. Multiple sources should be used whenever feasible.

-1.1. Potential sources of information for trial judge evaluations include attorneys, jurors, litigants, and witnesses who have appeared before the judge; non-judicial court staff, social service personnel, and law enforcement officials who have had regular contact with the judge; and appellate judges who have reviewed the judge's decisions.

-1.2. Potential sources of information for appellate judge evaluations include attorneys who have appeared before the judge, non-judicial court staff who have had regular contact with the judge, other appellate judges, and trial court judges whose decisions have been reviewed by the judge.

-5.2. Sources should be limited to those with personal and current knowledge of the judge.

-5.3. Objective sources of information may include public records.

Guideline 6-6. At the outset of the evaluation program, program administrators should establish minimum thresholds for both response rates and number of respondents. Guideline 6-7. Questionnaire content and wording should be structured with the relevant respondent group, and the nature and extent of that group's interaction with judges, in mind. In most instances, it will be necessary to use a different performance questionnaire for each respondent group.

Guideline 6-8. Judges should be evaluated periodically. The frequency of judicial evaluations should be related to such factors as the length of time the judge has served on the bench and when the judge will be considered for reappointment, retention, or reelection.

ILLINOIS JUDICIAL PERFORMANCE EVALUATION PROJECT: DATA COLLECTION & ANALYSIS PROCESS: STEPS AND TIMELINES

NCSC OBTAINS LIST OF RANDOMLY SELECTED JUDGES FOR EVALUATION FROM AOIC

1. NCSC receives list of Judges randomly selected for evaluation (n=175 for years 2 and 3)
Judges are randomly selected taking into account geographical location within the state.

NOTIFY JUDGES OF THEIR SELECTION FOR EVALUATION AND REQUEST NOMINEES

1. NCSC groups judges in five equally distributed waves, with one month separating each wave
2. WAVE 1 begins three weeks after NCSC's reception of Judge list
3. NCSC sends pre-notice letters via US Mail to judges alerting them of their random selection to the evaluation pool and presenting the process and expectations of the Judge in terms of providing evaluator nominee information
4. One week later, NCSC sends emails to judges requesting 125 nominees (names and email addresses) of attorneys who have appeared before them at least once within the past 12 months and court personnel with whom the Judge works in the courthouse.
 - a. If the type of court or nature of the circuit prevent a Judge from providing 125* nominees;
 - b. Judges are provided three weeks to provide the nominee information to NCSC;
 - c. If no information has been received within the third week, the Judge is called and reminded to provide data.

*If the Judge feels it is impossible to nominate 125 individuals, they are asked to provide as many qualifying attorneys and court personnel as possible.

NOTIFY EVALUATION NOMINEES AND REQUEST PARTICIPATION

1. Attorneys and court personnel are sent a pre-notice email alerting them of their nomination to evaluate a Judge;
2. NCSC sends an email with a link to the survey for a specific Judge, and are provided 3 weeks in which to complete the survey;
 - a. If a nominee has not completed a survey, a reminder is sent via email after 1 week (programmed into the survey);
 - b. A second reminder is sent after 2 weeks (again, programmed);
 - c. A third and final reminder is 1 day prior to the end of the 3 weeks.

NOTIFY EVALUATION NOMINEES AND REQUEST PARTICIPATION

1. Individual reports are developed for each judge according to placement in waves;
2. Individual and confidential reports are distributed to Judges/facilitators two weeks prior to the scheduled facilitation meeting;
3. An annual aggregate report of data will be provided to the AOIC annually.

ESSENTIALS OF FEEDBACK PROCESSES

Feedback refers to the process of giving someone accurate information about the impact of his or her behavior on you, other people, and/or the completion of a task. We give feedback all the time, it is the method we use to change behavior, improve performance, deal with stress, and enrich relationships.

To be helpful, feedback intends to (a) motivate the receiver to continue effective behavior; (b) supply information that will help solve a problem; (c) enable the person to become more effective. The feedback process is a mutual exchange in which some level of trust is established, the recipient of the feedback is open to hearing and receiving the input, and the feedback-giver is intending to be helpful.

Good feedback is analogous to holding up a mirror so that individuals can see themselves as others see them. This can help them learn how their actions have been affecting others. The feedback-giver (facilitator) offers perceptions and describes feelings in a nonjudgmental manner, so that recipients can use what they find appropriate for change.

GUIDELINES FOR GIVING FEEDBACK:

1. *Examine your own motives.* Be sure your intention is to be helpful.
2. *Consider the receiver's readiness to hear your feedback.* Feedback is most useful when someone is open and receptive.
3. *Be descriptive rather than evaluative.* Use your best *communication skills* to name the reality

That was identified in the survey instruments without blame or judgment. (E.g., "You are rude" is evaluative.)

4. *Deal in specifics, not generalities.* Global statements do not help in identifying the specificity of the behavior.
5. *Offer feedback; do not try to impose it.* Feedback is ultimately a gift that a person can choose to explore, change, or ignore. The one giving the feedback must remain unattached to the outcome.

6. *Offer feedback in a spirit of tentativeness.* Feedback is one person's experience, that of the one giving the feedback. It is truth as that one person experiences it. One person's experience is not ultimate truth, so the humility of acknowledging that goes a long way with the one hearing and receiving the feedback.

7. *Be open to receiving feedback yourself.* The process of feedback works best when it is mutual.

8. *Avoid overload.* Discern what is most important, changeable and helpful. Acknowledging your own care for the receiver helps in monitoring overload.

RECEIVING FEEDBACK

1. *Listen* carefully.
2. Try not to become defensive; mentally note questions or areas that need clarification.
3. *Paraphrase* what you hear.
4. *Ask questions* for clarification and request examples if the information is unclear or if you disagree. Paraphrase the answers you receive.
5. Carefully *evaluate* the accuracy of the information and its potential value.

[Adapted from materials from Cohen, A.R., Fink, S.L., Gadon, H., and Williams, R.D. (1988). *Effective Behavior in Organizations* (4th ed.). Homewood, IL: Irwin, p. 292.]

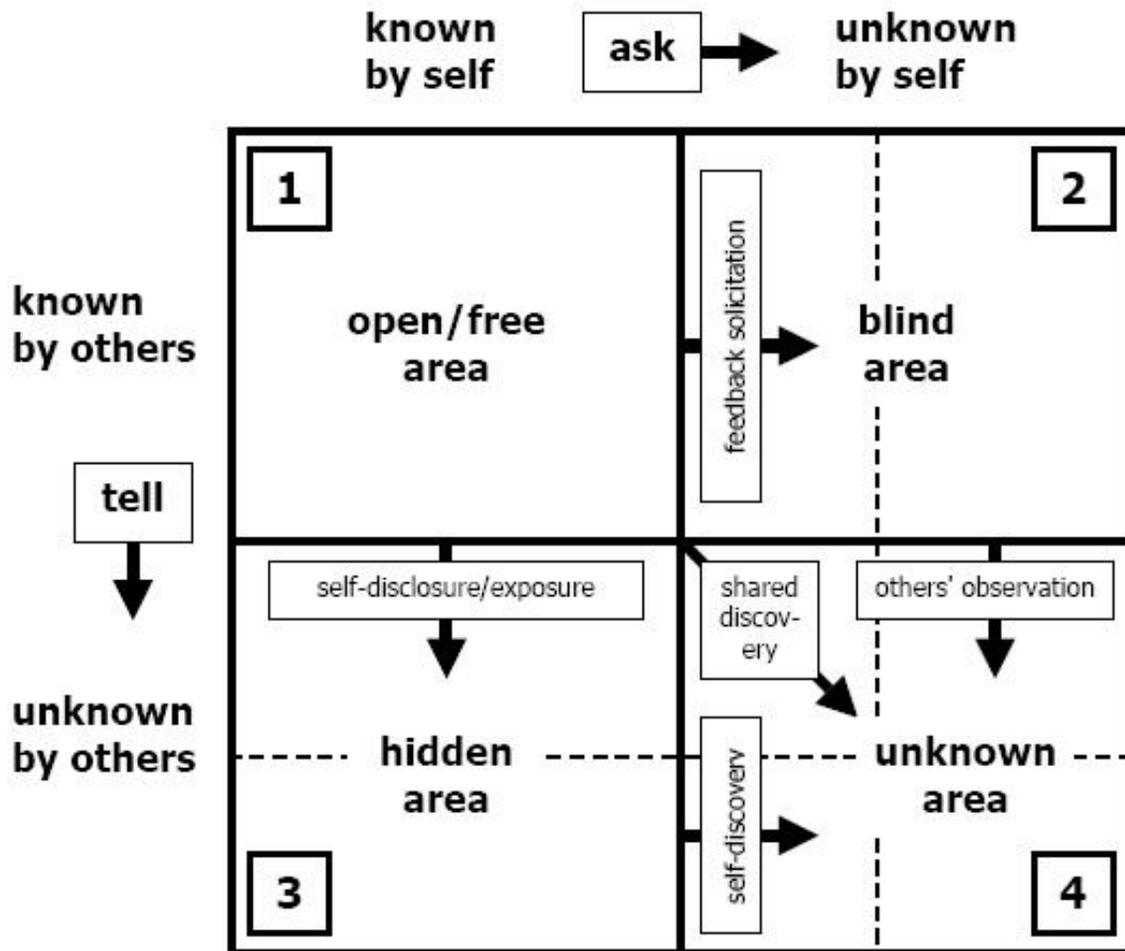
JOHARI WINDOW

The Johari Window model was developed by American psychologists Joseph Luft and Harry Ingham in the 1950's, while researching group dynamics. Luft and Ingham (1955) observed that there are aspects of our personality that we are open about and other elements we keep to ourselves. At the same time there are things that others see in us that we are not aware of. There is also an area that everyone is unaware of. Luft and Ingham came up with a model that highlights these four areas and this they called the Johari window.

The Johari Window is a widely used model for understanding and training self-awareness, personal development, improving communications, interpersonal relationships, group dynamics, team development and inter-group relationships.

The four Johari Window perspectives are called 'regions' or 'areas' or 'quadrants'. Each of these regions contains and represents the information - feelings, motivation, etc. - known about the person, in terms of whether the information is known or unknown by the person, and whether the information is known or unknown by others in the group.

Johari Window model



Johari Window Model - Explanation of the Four Regions

Quadrant 1: Open Area: What is known by the person about him/herself and is also known by others.

If you know a judge is knowledgeable with respect to these matters, you can discuss the topic with the judge freely. Similarly, when both of you and the judge know that he or she must learn a particular subject, you can talk openly about how they can learn that subject. The learning gap is information you both are aware of and therefore, it is part of the arena.

Quadrant 2: Blind Area, or "Blind Spot": What is unknown by the person about him/herself, but which others know.

This can be simple information, or can involve deep issues (for example, feelings of inadequacy, incompetence, unworthiness, rejection), which are difficult for individuals to face directly, and yet can be seen by others. By receiving feedback from others, the aim should be to reduce this area and thereby to increase the open area; to increase self-awareness.

Quadrant 3: Hidden or Avoided Area: What the person knows about him/herself that others do not – things they are aware of but have chosen not to share.

This hidden or avoided self represents information, feelings, etc., anything that a person knows about him/self, but does not share with others. Could also include sensitivities, fears, hidden agendas, manipulative intentions, secrets; anything that a person knows but does not reveal, for whatever reason.

Quadrant 4: Unknown Area: What is unknown by the person about him/herself and is also unknown by others.

This can include things like subconscious drivers and also skills that have not yet been revealed e.g. they may be the person who is most likely to cope under extreme pressure, but they have not been put to the test. Large unknown areas would typically be expected in younger people, and people who lack experience or self-belief.

Implications for Facilitators: This Johari Window model diagram is an example of increasing the open area, by reduction of the blind area, which would normally be achieved through the process of asking for and then receiving feedback.

- When we ask for feedback we extend area 1 into 2

- If we share more about ourselves we extend area 1 into area 3

TAB V

SOURCES FOR ADDITIONAL INFORMATION

Reading and Sources for Additional Information

PERFORMANCE EVALUATION AND FACILITATION

AchieveGlobal. *Giving and Receiving Constructive Feedback*. Tampa, FL: AchieveGlobal, Inc., 2000.

National Center for State Courts, Knowledge Management Office - Judicial Performance Publications. www.ncsc.dni.us/is/clrhouse/Judicial%20Evaluation/Publications.htm
State Court Organization 1998, Table 11, *Judicial Performance Evaluation*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available at www.ojp.usdoj.gov/bjs/pub/pdf/sco98.pdf.

Steinberg, M. B. *Judicial Performance Evaluation Handbook*. Chicago: National Conference of State Trial Judges, American Bar Association, 1996.

JUDICIAL EDUCATION

American Judicature Society: www.ajs.org

American Judges Association: www.aja.ncsc.dni.us

Conner, M. E. & Anderson, W. A. *Mentoring in the judiciary*. Lansing, Michigan: Michigan State University; Judicial Education Reference, Information and Technical Transfer Project. 1997.

Institute for Court Management: www.ncsc.org/Education-and-Careers.aspx

National Association of State Judicial Educators: www.news.nasje.org

National College of Probate Judges: www.ncpj.org

National Council of Juvenile and Family Court Judges: www.ncjfcj.org

National Judicial College: www.judges.org/index.html

Sampson, K. *Handbook for Judges. 4th Ed. An anthology of inspirational and educational readings*. American Judicature Society. 2004.

JUDICIAL ASSISTANCE

American Bar Association Judicial Division: www.americanbar.org/groups/judicial.html

Illinois Lawyers' Assistance Program: 20 South Clark Street, Suite 1820 · Chicago, Illinois 60603
312-726-6607 · 618-233-1527 · 800-LAP-1233. <http://illinoislap.org>

Judicial Family Institute: www.jfi.ncsconline.org

Lukas, D. *Judges And Depression*.

www.lawyerswithdepression.wordpress.com/2011/01/23/judges-and-depression

Zimmerman, I. *Helping Judges in Distress, in Judicature*, Vol. 90, number 1, July-August 2006.