



Supreme Court of Illinois
Judicial Performance Evaluation Program

Report for the Honorable J. Smith

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Supreme Court of Illinois
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 Summary Report for the Honorable J. Smith

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.

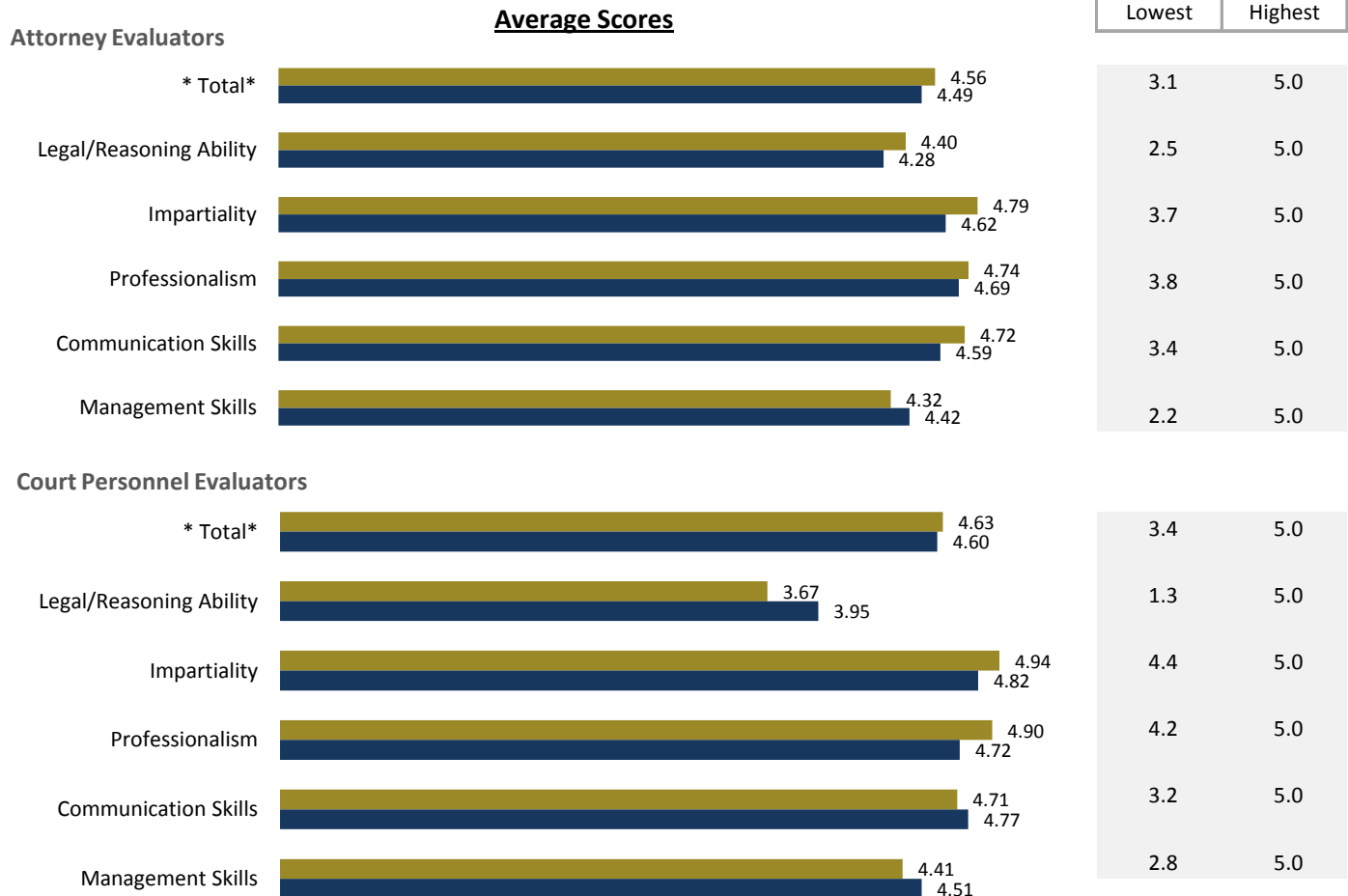
<u>Survey Participants</u>	<u>Attorneys</u>	<u>Court Personnel</u>
Number of Eligible Participants	51	25
Number of Completed Evaluations	31	21
Response Rate	61%	84%

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





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Performance Area Report for the Honorable J. Smith

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.



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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

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.	4.00	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.



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

Does not seem confident in above areas.



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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.



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Impartiality Comments

Attorney Evaluators

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

Judge Smith 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 Smith 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



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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.*	4.97	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.



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

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



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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.



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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.



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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.



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Management Comments

Attorney Evaluators

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

Court Personnel Evaluators

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

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

Sometime Judge Smith 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 Smith is too soft with discovery deadlines and other deadlines to keep the case moving.

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



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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.