



Illinois Judicial Performance Evaluation (JPE)

Survey Instrument





Overview

A. Survey development process

B. Key features of the survey

C. Judge's Evaluation report



Survey Development

Five Step Process

1. **Critique** of existing state and model JPE surveys
2. **Expert input:** From academic scholars on survey design, work performance evaluation
3. **Expert input:** From Supreme Court of Illinois JPE Committee on content & face validity (iterative)
4. **Testing:** Cognitive interviews with Illinois attorneys
5. **Testing:** Pilot study and follow-up survey





1. Critique

Several concerns were identified by judges and researchers about traditional JPEs related to:

- a) **Fairness/gender bias** (e.g., Durham, 2000; Gill, Lazos, & Waters, 2011)
- b) **Survey methodology** (e.g., Brody, 2000; Kourlis et al., 2006)



1. Critique

c) Survey instrument design

i. Items

E.g.: "Keeps current on developments in substantive law and rules of procedure and evidence"

- Simplify, eliminate “double-barreled” items
- Provide more concrete language, focus on behavior (vs. traits or qualities)

ii. 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



2 & 3. Expert Input

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



4 & 5. Testing

JPE survey refined based on analysis of JPE data, cognitive interview results, follow-up survey results

1. Cognitive interviews

- Conducted in-person with 3 IL attorneys
- Trained cognitive interviewers (Tourangeau, 1984)

2. Pilot study and follow-up survey

- Pilot of full JPE process online with 5 judge volunteers
- Respondents completed the JPE survey & a follow-up survey about their experience



Key Features of the Survey

1. Emphasis on judicial behavior

- Respondent eligibility requirements exclude those without direct, recent experience with the judge
- JPE survey items emphasize judicial behavior (rather than traits, characteristics)
- JPE survey instructions focus attention on behavior
- *Structured Free Recall* task to improve recall, rating accuracy



Key Features of the Survey

2. Some items 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

3. Items address 5 performance areas

- Legal Skills & Reasoning Ability
- Impartiality
- Professionalism
- Communication Skills
- Management Skills



Key Features of the Survey

4. Respondents asked to indicate how frequently each behavior has been observed
 - Never or almost never
 - Once in a while
 - Sometimes
 - Frequently
 - Every time or almost every time



Key Features of the Survey

5. Additional comment fields (optional)

- Share general comments on judges' strengths, weaknesses
- Elaborate on rating response to a previous item
- Raise other related issues

6. Separate versions of the survey for attorneys, court personnel to complete



The Evaluation Report

1. Summary Report
2. Performance Area Report
3. Appendix: Technical Notes



The Evaluation Report

1. Summary Report

➤ *Survey Participants* (attorney, court personnel versions)

- Number of eligible participants
- Number of completed evaluations
- Response rate

➤ *Evaluation Summary* (attorney, court personnel versions)

- Judge's average score & average score across all participating Illinois judges to date
- In total and for each performance area



The Evaluation Report

2. Performance Area Report

➤ For each of the 5 performance areas...

- Lists each item assessed (attorney, court personnel versions)
- Reports average item-by-item ratings
 - For the judge
 - As averaged across all participating judges to date
- Reports range of item-by-item ratings (lowest, highest)
- Lists verbatim all respondent comments



The Evaluation Report

3. Appendix: Technical Notes

- *Evaluation Forms:* Explains who was considered eligible to participate
- *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 why JPE ratings may not be reported for one survey type



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:* Survey comments

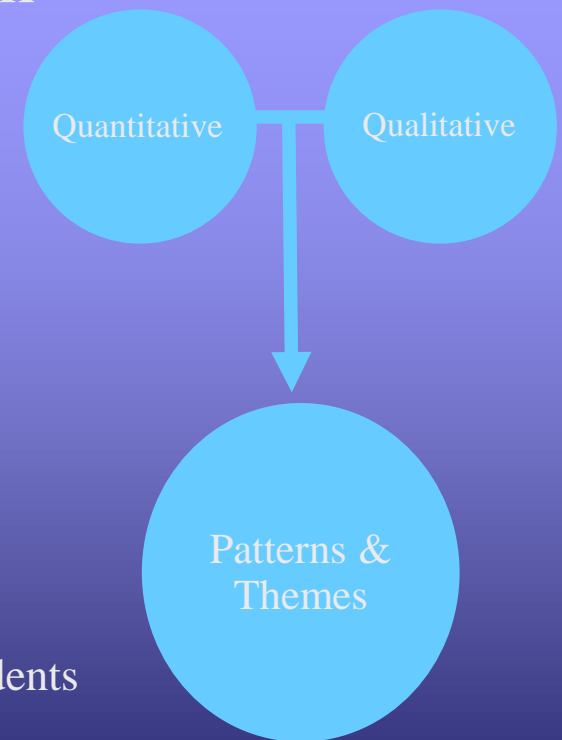
- Subjective
- Provided by only ~ 20% of survey respondents
- Allow for richer, more detailed feedback





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

1. What is *reverse coding*?

- Rating scale is flipped in the scoring process for negative questions
- Consistency in, meaningfulness of results

2. How should I use response rate information?

- Good overall response rates
- If a low response rate is obtained for a particular judge, interpret scores with greater caution

3. Why might survey results not be reported for an evaluated judge?

- Judge nominated <5 eligible respondents for a survey
- <5 eligible respondents completed a survey



Take Home Messages

- Surveys developed via rigorous, iterative research process with Supreme Court Committee oversight
- Emphasis placed on rating accuracy, reducing the potential for biased responding
- Quality of evaluation results depends on judge's initial list of nominees & willingness of nominees to participate honestly
- Facilitators play an important role in identifying patterns & themes in results and in helping judge think through professional development goals

