

State of New Hampshire
Judicial Branch
Judicial Performance Evaluation (JPE) Advisory Committee
July 1, 2013
10 a.m.

Attendees: Associate Supreme Court Justice Carol Ann Conboy; Superior Court Chief Justice Tina Nadeau; Circuit Court Deputy Administrative Judge David King; Sen. Sharon Carson; Rep. Marjorie Smith; Attorney Daniel Will (NH Bar Association) ; Attorney Christopher Keating (Judicial Council); Attorney Randy Hawkes (Public Defender); Deputy Attorney General Ann Rice; Laura Kiernan Judicial Branch Communications Director.

Supreme Court Clerk Eileen Fox was unable to attend.

Minutes of the Meeting

The minutes of the May 13, 2013 committee meeting were approved.

Discussion:

- Justice Conboy reported that the Supreme Court has adopted, on a temporary basis, the committee's requested changes in Supreme Rule 56 (Judicial Performance Evaluation) to include marital masters in the JPE program and to include in the membership of the committee either the chair of the NH Bar Association Committee on Cooperation with the Courts, or a designee. *
- Laura Kiernan reported that Assistant Professor Jordan Singer, New England Law| Boston and Andrew Smith, director, UNH Survey Center, have agreed to meet with the Advisory Committee. The committee will meet with Professor Singer on October 11, 2013 from 1-3 p.m. A meeting with Mr. Smith will be scheduled at a later date.

Work Session:

- The committee members discussed JPE procedures in the Superior Court and the Circuit Court. Chief Justice Nadeau and Judge King agreed that a single protocol should be developed for the trial courts. Laura Kiernan will work with staff in the Superior and Circuit Courts to draft such a protocol for review by the committee at its next meeting.
- The committee discussed how to address language in RSA 490:32 which directs the Supreme Court to file annually "a summary of the overall results for each judge evaluated..." The committee concluded that it would be helpful to have the benefit of Professor Singer's expertise on this issue. Prior to the Oct 11 meeting, Laura Kiernan will provide Professor Singer with a copies of RSA 490:32, the legislative history, Supreme Court Rule 56, and JPE questionnaires now in use. Professor Singer will also be asked to brief the committee on how other states report the results of judicial performance evaluations.

- The committee also discussed potential amendment of RSA 490:32 to address what appear to be internal inconsistencies. The members agreed to consider the language of such potential amendment for further discussion at the next meeting.

The meeting adjourned at 11:10 a.m.

*The temporary changes will now be considered by the Advisory Rules Committee for permanent adoption.

Submitted by Laura Kiernan, Executive Secretary to the Committee