

**State of New Hampshire
Judicial Branch
Judicial Performance Evaluation (JPE) Advisory Committee
January 12, 2015
3:00pm**

Attendees in person

Supreme Court Associate Justice Carol Ann Conboy, Superior Court Chief Justice Tina Nadeau, Circuit Court Deputy Administrative Judge David King, Daniel Will (NH Bar Association), Attorney Christopher Keating (Judicial Council) and Attorney Randy Hawkes (Office of the Public Defender) and Carole Alfano, Judicial Branch Public Information Officer.

Attendees via phone due to inclement weather

Sen. Sharon Carson and Dr. Andrew Smith (UNH).

Absent due to scheduling conflicts

Rep. Robert Rowe, Deputy Attorney General Ann Rice Attorney and Supreme Court Clerk Eileen Fox.

Minutes of the Meeting

On Monday, January 12, 2015 the JPE Advisory Committee met at the Administrative Office of the Courts in Concord. The minutes of the October 22, 2014 meeting were approved without any corrections.

Justice Conboy recognized Rep. Robert Rowe as a new committee member. He is the new chairman of the House Judiciary Committee. He replaces Rep. Marjorie Smith.

After the meeting, Justice Conboy sent a letter to Rep. Smith thanking her for her contributions to the work of the committee.

Justice Conboy began the meeting by asking for an update regarding the performance evaluations for the Supreme Court.

In Clerk Eileen Fox's absence, Carole Alfano read her report covering the results of the Supreme Court evaluations to date. In December, the Administrative Office of the Courts (AOC) sent out two different questionnaires. One was sent electronically to all trial court judges and marital masters. A total of 59 evaluations went to this group. As of January 7, the AOC received 17 replies.

The other questionnaire went to lawyers and self-represented litigants in cases argued before the Supreme Court in 2013, and in cases in which a decision on the merits was issued 2013. If the court had an email address for a self-represented party, the questionnaire was sent electronically; if not, a paper survey was mailed with a return envelope with pre-paid postage. The court had email addresses for all lawyers. The AOC sent out 335 electronic surveys to lawyers and self-represented parties. As of January 7, 90 were returned. The AOC sent out 96 paper questionnaires. As of January 7, 7 were returned as undeliverable. 16 have been returned completed.

On January 7, the AOC sent out a reminder to all parties who received a survey. Clerk Fox expects the number of responses to increase. By contrast, three years ago, the court received 46 responses.

Dr. Smith noted the importance of comparing the response rates versus other years. A response rate of 20-25% is considered average.

Justice Nadeau reported that of all the questionnaires for the trial court judges surveyed in 2014 were complete. She received some 30 responses, which was about the same as last year. While her response rate had not significantly improved, she did find that the new form worked much better. She felt the way the questions were drafted on the new forms generated clearer answers and better comments.

Judge King reported his rate of response last time was 37% compared to this round at 39%. He noted that since New Hampshire is such a small state, it is easier to evaluate judges. He and Judge Kelly are aware of the range of performance levels of our judges. Like Justice Nadeau, he found the new comments section to be very helpful. He believes word will start getting around that the form is now shorter and faster to complete, which may help to increase response rates.

Justice Conboy noted how impressed she is with the current training judges receive. She suggests that the summaries prepared by Justice Nadeau and Judge King be included in the next JPE Annual Report. It was also noted that the report should explain that the grading scale on the evaluation has changed from five points to four.

After discussion, the committee determined that at its next meeting, the committee should wrap up its work and then to meet thereafter on an annual or semi-annual basis to consider any further changes to the evaluation process.

The next meeting of the full JPE Committee was set for Monday, May 11 at 3:00pm the AOC, Training Room A, in Concord.

The meeting adjourned at 3:35 pm.

Submitted by Carole Alfano, Executive Secretary to the Committee