

**State of New Hampshire  
Judicial Branch  
Judicial Performance Evaluation (JPE) Advisory Committee  
May 17, 2017  
1:30pm**

***Attendees***

Supreme Court Associate Justice Robert J. Lynn; Superior Court Chief Justice Tina Nadeau; Christopher Keating-Director of the Administrative Office of the Courts; Mary Ann Dempsey-Judicial Branch General Counsel; Attorney Randy Hawkes (Office of the Public Defender), Attorney Daniel Will (NH Bar Association) and Carole Alfano-Judicial Branch Communications Manager.

***Absent due to scheduling conflicts***

Circuit Court Deputy Administrative Judge David King; Deputy Attorney General Ann Rice; Sen. Sharon Carson, and Rep. Joseph Hagan.

***Minutes of the Meeting***

On May 17, 2017 the JPE Committee met at the Administrative Office of the Courts in Concord. The minutes of the March 6, 2017 meeting were approved without any corrections.

Justice Lynn began by noting that this is his first meeting as the new chairman of the JPE committee. He was named to the position by the Supreme Court to succeed Associate Justice Carole Ann Conboy who will retire on June 30, 2017.

Justice Lynn asked if there were any questions or comments regarding the draft of 2016 Annual JPE Report that will be submitted in final form to the governor and the legislature by June 30. He noted the report lacks detailed case filing information from the Supreme Court. Clerk Eileen Fox reported previously that the data will be available on June 1.

The report states the Supreme Court disposed of 727 cases in 2016. This is a decrease of 107 cases from 2015. Members inquired regarding the decline. Justice Lynn shared what he believed were several reasons, including: the marked increase in the quality of trial judges and judges issuing orders that were well-researched, clear and thoughtful.

Randy Hawkes added that the NH Public Defenders Office is likewise seeing a decline in appeals. He reported a 37-percent decrease in filings in 2016. He attributed a 50-percent success rate at trial by public defenders for decreasing the need for appeals. Also in 2016, public defenders recorded 800 fewer misdemeanor charges against their clients compared to the year before.

The committee discussed information on page 3 of the report recognizing the success of the Family Division's Complex Case Docket. No data is included reflecting the number of cases involved on the docket in 2016. The committee requested that Carole Alfano follow up with Judge Kelly and Judge King to find out if such data exists and, if so, to include it in the report.

The committee discussed information on page 8 concerning the evaluations of Judge Edward Tenney. Members noted this is the first time that the committee has dealt with a judge who has received two consecutive unsatisfactory evaluations. They noted that his scores were close to the acceptable average and that his scores had shown improvement after additional training and monitoring in 2016.

Justice Lynn complimented committee members on all of their hard work over the past years in significantly revising the JPE forms. This has, in turn, improved the quality and the usefulness of the responses as well as the number of responses.

Because the committee has accomplished its goals of improving the forms, members agreed that, going forward, they would meet once a year in May to discuss the JPE annual report and additionally whenever an issue regarding forms needs to be addressed.

The next meeting of the JPE Committee was tentatively scheduled for May, 2018. Carole will follow up with members with a confirmed date, time and location.

The meeting adjourned at 1:50pm.

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*Submitted by Carole Alfano  
Executive Secretary to the Committee*