



Justice... Professionalism... Service... Since 1886

**Judicial Performance Evaluation Survey
King County District and Municipal Court Judges
Methodology Overview
June, 2010**

The 2010 survey of evaluations of the judges of the King County District and Municipal Courts took place during the last two weeks of May, 2010. The results are based on attorney evaluations of 47 judicial officers from King County District Court, Seattle Municipal Court, and other municipal courts throughout the county*. The survey administration was a departure from previous years. With advancements in technology and methodological capacity, the 2010 survey modified who would be asked to provide input on judicial performance, what information would be obtained, how surveys would be distributed, and how results from the evaluation would be measured and presented.

An important component of a judicial evaluation program is to obtain information from individuals who have had an opportunity to personally observe the judge being evaluated during the relevant time period. (American Bar Association, 2005; Brody, 2004). Accordingly, rather than attempt to survey all members of the King County Bar Association or all lawyers practicing in King County, only attorneys who were identified as having appeared before a particular judge were invited to participate in the evaluation of that judge.

Identifying Survey Participants

Attorneys were identified by two means. Reports were obtained from the Washington Administrative Office for the Courts and the Seattle Municipal Court listing attorneys who appeared at trials, hearings, and other in-court proceedings in King County District and Municipal Court cases that concluded in calendar years 2008 and 2009. Attorneys identified as having made a court appearance during those time frames were invited to participate in the survey for the judge before whom they appeared.

Another new development in the survey framework was the method by which participants were provided with the survey form, and responses received back from them. In the past, surveys were mailed to all King County Bar Association members, or to all lawyers practicing in King County, with responses also mailed back. In the immediate prior survey, in 2005, mailing out of surveys was abandoned and the survey instead was distributed by e-mail, printed in the monthly Bar Bulletin, and made available on the KCBA website.

For the 2010 survey, individual attorneys identified as having appeared before a particular judge were sent an e-mail asking them to participate in the survey. E-mails were sent on a staggered basis during the last two weeks of May, 2010. The e-mail contained a link to a web-based survey questionnaire for the attorney to evaluate that particular judge. An attorney who had

* Less than 10 evaluations were completed for Judge Barbara Linde, King County District Court; Commissioner Susan Noonan, King County District Court; Judge Michelle Gehlsen, Bothell; Judge Rebecca Robertson, Federal Way; and Judge David Larson, Federal Way. Due to the low level of responses results are not reported for these judges.

appeared before multiple judges received a separate e-mail providing that attorney with the survey to evaluate each individual judge. An attorney who appeared before the same judge more than once only received one survey e-mail regarding that judge. Moreover, the software was programmed so that an attorney could complete the survey only one time for any particular judge. The responses to the survey were received via this web-based system, for tabulation in the survey results.

The judicial evaluation survey was conducted in collaboration with Washington State University. Surveys were processed through a secure web server, and then delivered directly to WSU researchers for tabulation and analysis of results. WSU researchers also provided methodological and statistical consultation to the Judicial Evaluation Committee, including in the preparation of the survey report.

Specific Criteria for Evaluation

Another departure from past surveys was the specific criteria upon which judicial performance was measured. Following the ABA Guidelines for Judicial Performance Evaluation, the 2010 evaluation focused upon behavior-based measures. To do this, attorneys who appeared before a judge were asked to evaluate judges regarding specific criteria that are widely acknowledged to be qualities that judges are expected to possess (Institute for the Advancement of the American Legal System, 2006). Specifically, attorneys were asked to consider four individual criteria in each of four areas:

1. Legal Decision Making

- Capably identified and analyzed legal and factual issues.
- Capably applied rules of evidence and procedure.
- Articulated rulings and grounds for rulings in a clear and concise manner.
- Was prepared for court.

2. Demeanor, Temperament and Communication

- Treated people with courtesy and respect.
- Was attentive to proceedings.
- Acted with patience and self-control.
- Used clear oral communication while in court.

3. Administrative Skills

- Maintained control the courtroom.
- Appropriately enforced court rules and deadlines.
- Made decisions and rulings in a prompt, timely manner.
- Used the court's time efficiently.

4. Integrity and Impartiality

- Avoided impropriety and the appearance of impropriety.
- Displayed a neutral presence on the bench.
- Based rulings on the facts and the law.
- Treated all individuals equally and without bias based on race, gender, economic status, or any other extralegal personal characteristic

Attorneys were asked to rate judges on the above criteria using one of five possible responses (unacceptable, poor, acceptable, very good, and excellent). Responses to the four questions in each of the four areas were added together to form a composite index for each of the four areas. This method of evaluation and tabulation of results provides a more detailed set of information for use by voters, members of the bar, and judges under evaluation than single-question measures (Schmidt and Kaplan, 1971). Using this method, results are reported for individual questions as well as for the composite index developed for each of the four areas.

In another departure from past practice, survey participants were not asked to provide an “overall” evaluation of the performance of an individual judge. Following recommended evaluation research practices (Jacobs, Kafry, & Zedeck, 1980), such a question was deemed inappropriate in light of its inherent subjectivity, and its inability to differentiate between the more specific, behavior-based criteria represented by the subject matter of the actual survey questions.

Survey Reliability

A goal of every type of evaluation is to ensure the reliability of the results obtained. In examining results obtained in this judicial performance evaluation, a determination of reliability is not amenable to a single measure, but rather an amalgamation of four factors.

The first item is the number of respondents completing evaluations for individual judges. A total of 2,631 surveys were completed. The number of responses per judge ranged from a low of 14 to a high of 104. The average number of responses per judge was 56.

In the invitation to complete the survey, and in the survey itself, attorneys were asked not to evaluate a judge if they did not appear before him or her. Additionally, attorneys were asked to indicate the approximate number of times they had appeared before the judge being evaluated during the prior two years. Surveys in which the number of appearances was not indicated were not included in the evaluation.

Ninety-five percent of respondents reported appearing before the judge in court multiple times during the two years prior to completing the evaluation. In fact, seventy-nine percent of all respondents reported that they appeared in the judge’s court at least four times during this timeframe. However, it should be noted that a single hearing may provide a suitable basis for completing an evaluation.

For more information, contact Michael Ricketts, KCBA Judicial Evaluation Committee Chair, mricketts@gth-law.com, or Andrew Prazuch, KCBA Executive Director, andrewp@kcba.org.