

JUDICIAL MID-TERM EVALUATIONS
Lake Legal Views, May 2007

Judge Eugene A. Lucci

If you are a judge, how difficult is it to take an honest look at how well you are performing your job? If you ask the question, how can you avoid doubting the accuracy or frankness of the response? And yet, without access to someone who is kind enough to tell you the truth, how can you hope to improve?

The Ohio State Bar Association, the Ohio Judicial Conference, and the Ohio Supreme Court now have an answer. Together with the OJC's Subcommittee on Public Confidence and Community Outreach, the OSBA's Independent Judiciary and Unjust Criticism of Judges Committee has developed a voluntary and confidential evaluation program that is designed to give participating judges a unique and valuable mid-term glimpse of themselves as seen through the eyes of the attorneys who practice in their court. Great care is taken to protect the confidentiality of the information, as well as the anonymity of the attorneys providing the feedback.

The program, its protocol, and the forms developed to implement it, are being offered to the 84 local and seven metropolitan bar associations of the state for their adoption and use. The OSBA will also provide assistance and training in preparing the program.

Under this program, confidential mid-term evaluations will be conducted for each judge every two years during term. The evaluation may occur during the second, third, fourth, or fifth year of a six-year term. The evaluation generally will not be conducted in the first year of a judge's term unless the first year occurs in a term to which the judge was re-elected to the same court. A judge will not be evaluated under this process during the last year of a term, which would be a campaign year.

The mid-term evaluation is intended to be a constructive evaluation tool for self-improvement, not for campaign purposes one way or the other. The mid-term evaluation is separate and distinct from the bar association survey about judicial candidates that is conducted during an election year and made public for the purpose of informing voters about the candidates.

The evaluation instrument, the responses on which are anonymous, will be disseminated to all members of the participating bar association and to lawyers who practice in the court being evaluated. Only those attorneys who represent in writing that they have been admitted to practice for three years, have appeared before the judge within the last three years, and have no personal or professional conflict of interest in objectively evaluating the judge, may complete the evaluation. Judges will be evaluated in the areas of: integrity, temperament, independence, legal knowledge, courtesy, professional demeanor, patience, attentiveness, efficiency, accessibility, staff, preparedness, courtroom management, case management, docket control, pre-trials, settlement negotiations, sentencing demeanor, and written opinions.

Evaluations will be held in confidence by the mid-term evaluation committee, the president or director of the bar association, and the association staff who are involved in compiling the evaluation information. The evaluation committee will collect the evaluations and prepare an aggregation of the responses from all lawyers for each judge evaluated. The numerical responses for each category will be compiled in a writing which is a proprietary record of the association, and is not a public record. The judge will be given nothing in writing, so there will be no public record of the evaluation, and the judge must agree in writing to its confidentiality as a condition of the oral disclosure of the results to the judge. All of the raw data and report information will be destroyed by the bar association after the meeting with the judge.

As Co-Chair of the Public Confidence and Community Outreach Subcommittee of the Ohio Judicial Conference, I strongly encourage all judges in Lake County and the Lake County Bar Association to participate in this innovative effort to pursue judicial self-improvement and to promote public confidence in the judiciary.