MSBA Evaluation of Maine Trial Judges Survey

Fill in name of Judge: _________________________________

I. Basis for Evaluation

A. Which of the following describes the basis for your evaluation of this judge? (Check one or more)
   - [ ] Direct professional experience
   - [ ] Professional reputation
   - [ ] Social or personal contacts

Note: If you have insufficient knowledge to evaluate this judge, please do not complete this survey.

B. If you have had direct professional experience with this judge, which of the following best describes the amount of that experience? (Check one)
   - [ ] Three or fewer substantive matters
   - [ ] More than three substantive matters

II. Information about yourself (optional)

A. State your gender (Check one)
   - [ ] Male
   - [ ] Female

B. Years in Practice (Check one)
   - [ ] Five or Fewer
   - [ ] More than 5 years

C. State the year of your birth: _________________________________

III. To rate this judge, circle D if Deficient, A if Acceptable, G for Good, E for Excellent and IK if you have Insufficient Knowledge

Legal Ability
1. Legal and factual analysis
   - [ ] D
   - [ ] A
   - [ ] G
   - [ ] E
   - [ ] IK
2. Knowledge of substantive law
   - [ ] D
   - [ ] A
   - [ ] G
   - [ ] E
   - [ ] IK
3. Knowledge of evidence and procedure
   - [ ] D
   - [ ] A
   - [ ] G
   - [ ] E
   - [ ] IK
4. Oral skills
   - [ ] D
   - [ ] A
   - [ ] G
   - [ ] E
   - [ ] IK
5. Writing ability
   - [ ] D
   - [ ] A
   - [ ] G
   - [ ] E
   - [ ] IK

Impartiality
6. Equal treatment of all attorneys
   - [ ] D
   - [ ] A
   - [ ] G
   - [ ] E
   - [ ] IK
7. Free of gender bias
   - [ ] D
   - [ ] A
   - [ ] G
   - [ ] E
   - [ ] IK
8. Free of age bias
   - [ ] D
   - [ ] A
   - [ ] G
   - [ ] E
   - [ ] IK
9. Free of ethnic bias
   - [ ] D
   - [ ] A
   - [ ] G
   - [ ] E
   - [ ] IK
10. Free of bias against low income litigants
    - [ ] D
    - [ ] A
    - [ ] G
    - [ ] E
    - [ ] IK
11. Treats pro se litigants fairly
    - [ ] D
    - [ ] A
    - [ ] G
    - [ ] E
    - [ ] IK
12. Fairness and justice towards litigants
    - [ ] D
    - [ ] A
    - [ ] G
    - [ ] E
    - [ ] IK

Integrity
13. Conduct free from both impropriety and appearance of impropriety
    - [ ] D
    - [ ] A
    - [ ] G
    - [ ] E
    - [ ] IK
14. Makes independent decisions not influenced by public or private controversy
    - [ ] D
    - [ ] A
    - [ ] G
    - [ ] E
    - [ ] IK

Please complete reverse
Fill in name of Judge:

Page 2

**Judicial Temperament**

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15.</td>
<td>Courtesy and civility</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
<tr>
<td>16.</td>
<td>Free of arrogance</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
<tr>
<td>17.</td>
<td>Human understanding and compassion</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
<tr>
<td>18.</td>
<td>Ability to control courtroom</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
<tr>
<td>19.</td>
<td>Patience</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
<tr>
<td>20.</td>
<td>Decisiveness</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
</tbody>
</table>

**Diligence**

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>21.</td>
<td>Makes decisions reasonably promptly</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
<tr>
<td>22.</td>
<td>Prepares for hearings</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
<tr>
<td>23.</td>
<td>Starts court on time</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
<tr>
<td>24.</td>
<td>Manages court time efficiently</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
</tbody>
</table>

**Special Skills**

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>25.</td>
<td>Fairness in sentencing</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
<tr>
<td>26.</td>
<td>Competence in cases involving children and families</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
</tbody>
</table>

**Overall Evaluation**

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>27.</td>
<td>Overall evaluation of judge</td>
<td>D</td>
<td>A</td>
<td>G</td>
<td>E</td>
</tr>
</tbody>
</table>

Describe this judge’s strengths: (optional)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Describe this judge’s weaknesses: (optional)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Other comments: (optional)

________________________________________________________________________

________________________________________________________________________

Return survey to:
Judicial Evaluation Committee, Maine State Bar Association, P O Box 788, Augusta, ME, 04332-0788
I. **Judicial Evaluation Committee:**

A. The Judicial Evaluation Committee shall consist of a minimum of seven members appointed by the President of the Board of Governors for staggered three-year terms. The President shall also appoint the Chair of the Committee.

B. The Committee shall have ongoing responsibility for developing, implementing, monitoring, evaluating and recommending changes to the Board of Governors on the judicial evaluation process.

II. **Judicial Evaluation Process:**

A. **Judges Evaluated**

Trial judges in the District Court and the Superior Court will be evaluated after the completion of every judge’s second year of the first term of appointment and will be evaluated as late as possible in the sixth year of any term of appointment.

B. **Survey Instrument**

1. Evaluations will be performed by written survey, which survey shall include, but shall not be limited to, questions related to each judge’s legal ability, impartiality, integrity, judicial temperament, diligence, and special skills.

2. Space for written comments shall be provided on the survey.

3. The Judicial Evaluation Committee shall be responsible for developing the survey, which shall be approved by the Board of Governors.

C. **Survey Process**

1. Evaluations will be forwarded to all attorneys licensed to practice law in Maine, unless the attorney has notified the MSBA that he or she does not appear in court before trial judges, or unless the attorney does not maintain an office within the state of Maine.

2. The method of returning the survey must ensure the confidentiality of the survey respondent.
3. A staff person assigned to the Judicial Evaluation Committee shall be responsible for and maintain possession of all surveys returned to the MSBA.

4. Individual survey responses will be entered in a computer data base from which summary reports and relational sub-reports may be generated. The staff person assigned to the Judicial Evaluation Committee shall ensure that appropriate procedures are developed to protect confidentiality during the data entry process.

D. Dissemination of Survey Results

1. The raw data from any survey performed on any judge shall be available to members of the Judicial Evaluation Committee, the staff member assigned to the Committee, members of the Board of Governors, the judge evaluated, the Chief Judge of that judge’s court and the Chief Justice of the Maine Supreme Judicial Court. The raw data, including comments, shall be otherwise kept strictly confidential.

2. The results of the first evaluation done on any judge shall not be released or used by the MSBA in any manner except as set forth in Section II (D)(I).

a. The Judicial Evaluation Committee will afford each judge evaluated the opportunity to comment on the evaluation. Any written or oral response to the evaluation by any judge will only be disseminated to those persons and entities outlined in Section II (D)(I).

b. The MSBA Judicial Evaluation Committee will prepare a written report following each evaluation of a judge in the sixth year of the judge’s term. The report will consist of a concise summary of the survey data, a recommendation from the Committee whether the judge is qualified or unqualified for renomination, the reasons for a recommendation, if any, that a judge is unqualified, and any suggestions from the Committee for further assessment by the Board. The report, the raw data and any response from the judge will be submitted to the Board of Governors.

c. The MSBA Board of Governors, after review of the Committee report and raw data, shall make a recommendation whether a judge is qualified or unqualified for renomination. In the event the Committee report states that a judge is unqualified, or reports a split decision on whether a judge is qualified or unqualified for renomination, an independent assessment as to the judge’s qualifications will be conducted by the Board of Governors President, or his or her designee, and four Board members appointed by the President. Additional information will be gathered in a manner appropriate to the particular circumstances. The Board may only recommend a judge as unqualified for
renomination after its independent assessment and upon an affirmative vote of two-thirds of the entire Board.

d. The Board of Governors shall provide the judge and the Chief Justice of the Supreme Court with advance written notice of its position on renomination.

e. The Board of Governors’ shall endeavor to send the Governor or his or her designee the recommendation before the judge’s renomination is posted.

E. Retention of Data

Original surveys shall be destroyed after data entry and compilation of survey responses is complete.

III. Confirmation and Reconfirmation Hearings:

An MSBA representative appointed by the President may appear at reconfirmation hearings to express the Association’s position on a candidate for judicial office based on the recommendation made in Section II D(3)(c). An MSBA representative appointed by the President may appear at confirmation hearings for new judges only following consultation with the Board of Governors.

Approved by Board of Governors
March 9, 2004