



COLORADO

**Office of Judicial
Performance Evaluation**

Judicial Branch

The Honorable Justice Melissa Hart
2019 Judicial Performance Survey Report
Appellate Court

Conducted by:



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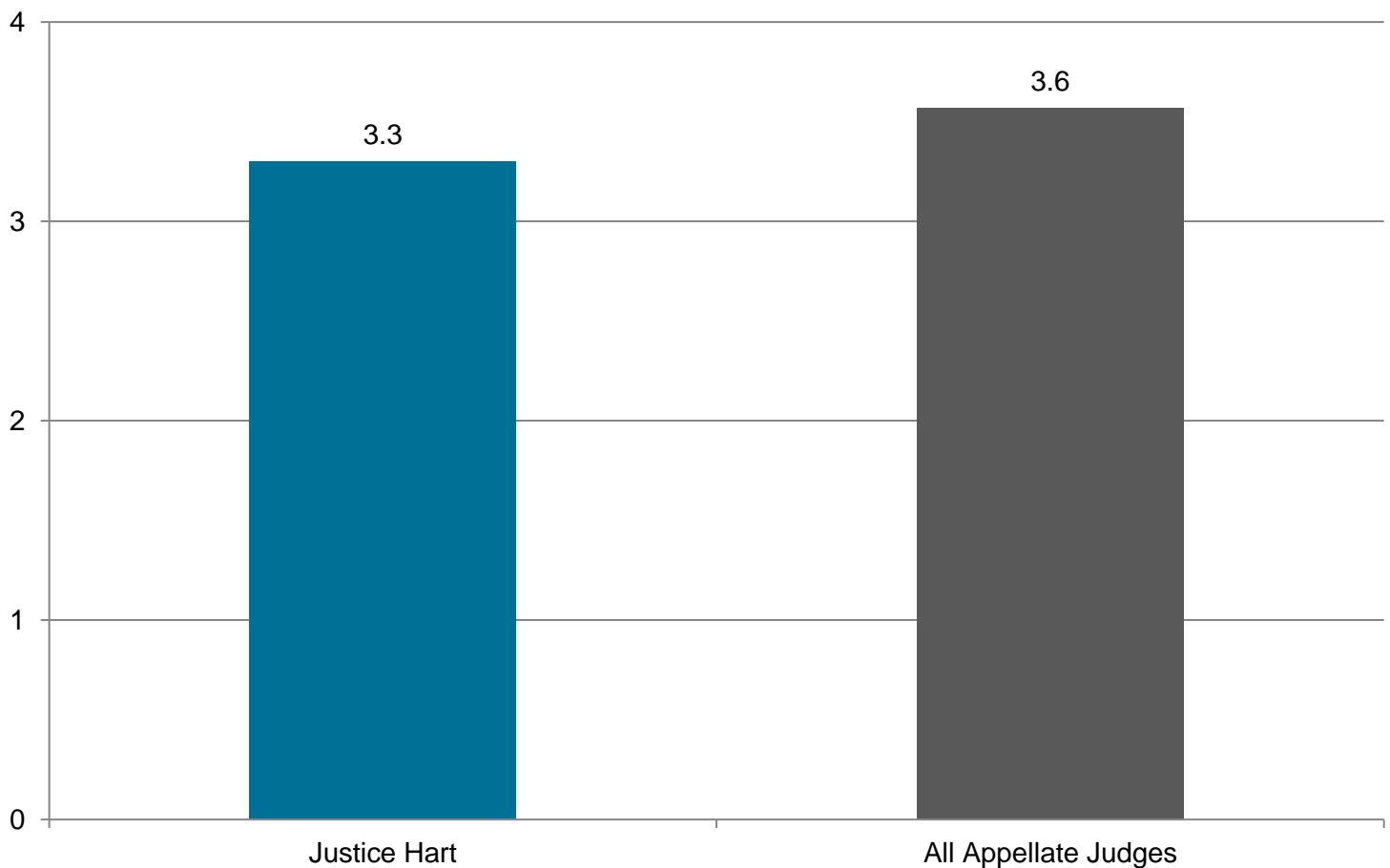
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Summary of Results

For Justice Hart, 36 individuals completed surveys with at least a single rating question answered. This report reflects these 36 responses.

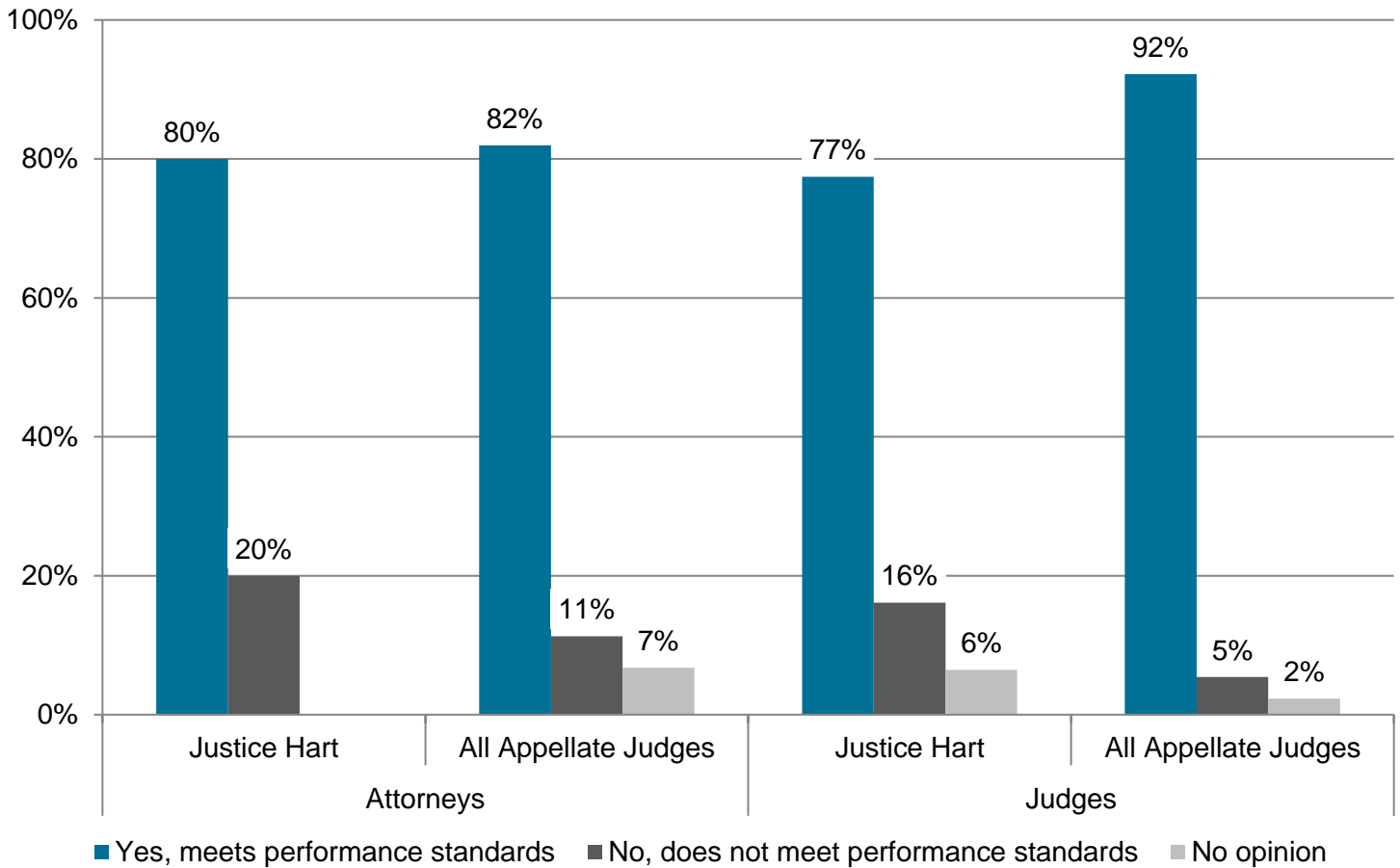
Respondents rated judges on various questions using an A to F scale, in which the grades were then converted to the following numerical scores: A= 4, B=3, C=2, D=1 and Fail=0. An average score of 4.0 is the highest possible score and a 0.0 is the lowest possible score.

Overall Score



	Justice Hart	All Appellate Judges
Overall Grade	3.3	3.6

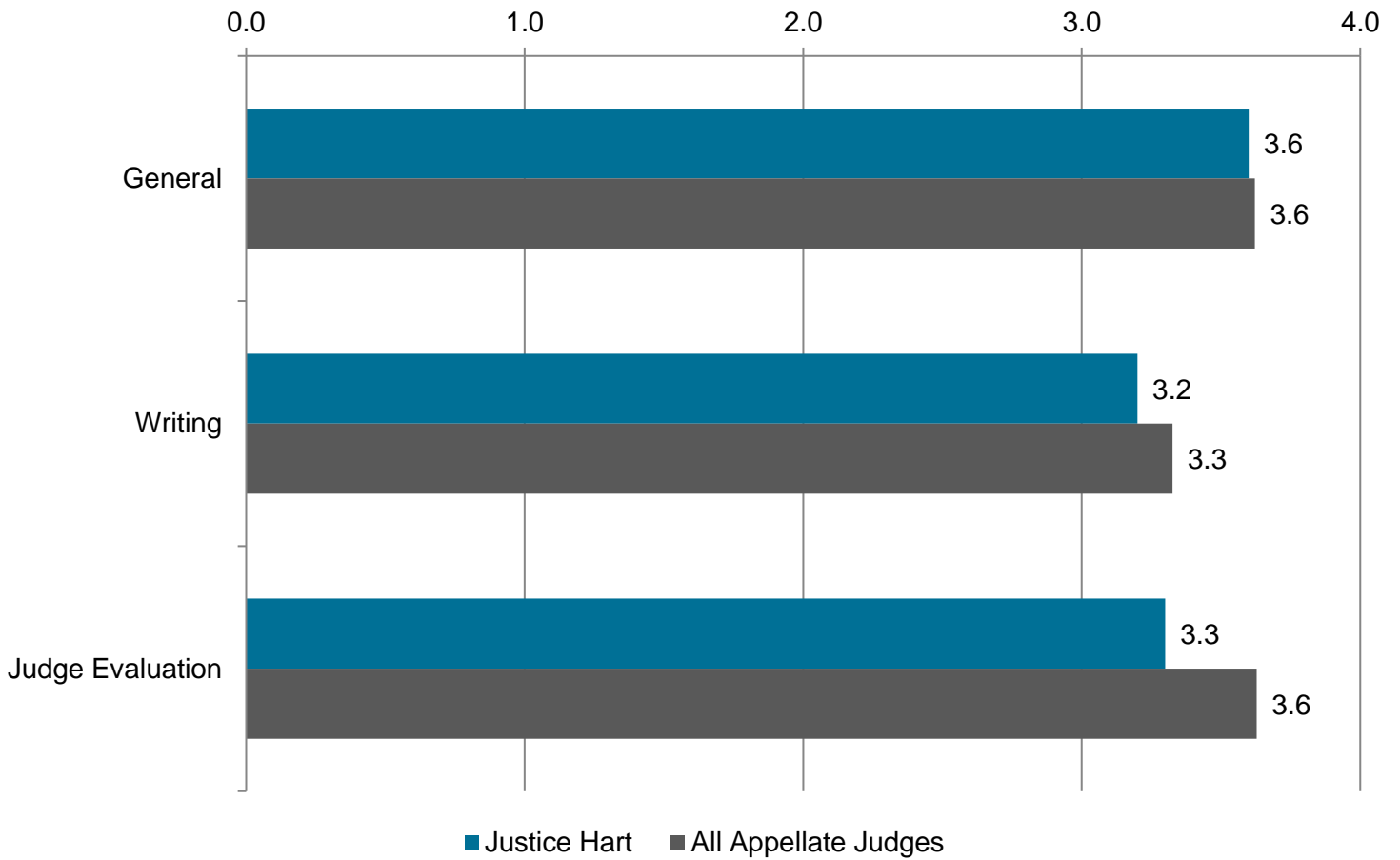
Performance Scores



	Attorneys		Judges	
	Justice Hart	All Appellate Judges	Justice Hart	All Appellate Judges
Yes, meets performance standards	80%	82%	77%	92%
No, does not meet performance standards	20%	11%	16%	5%
No opinion	0%	7%	6%	2%

Note: All percentages in this report are rounded to the nearest percentage point.

Individual Category Scores



	Justice Hart	All Appellate Judges
General	3.6	3.6
Writing	3.2	3.3
Judge Evaluation	3.3	3.6

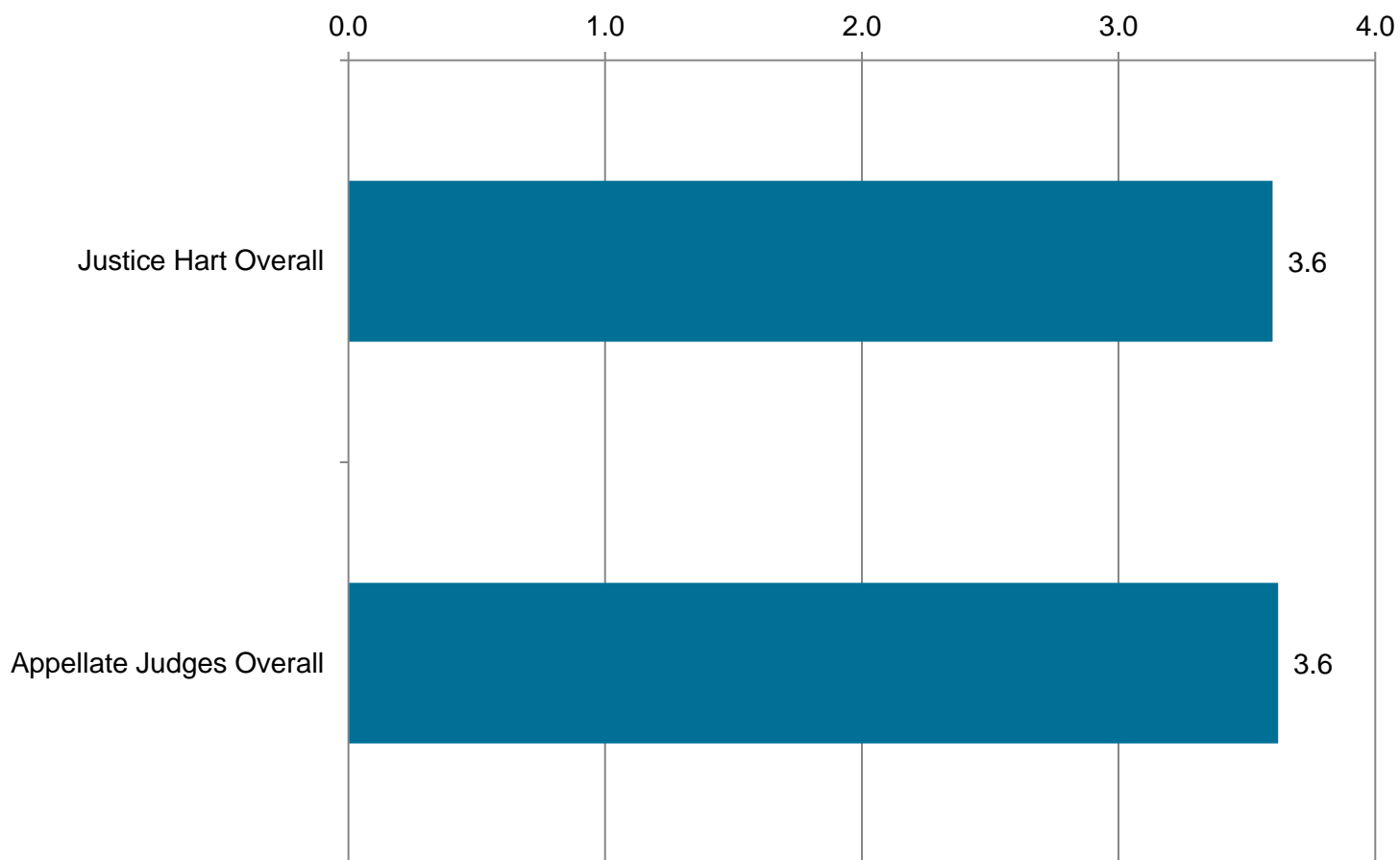
Summary of Responses

Group	Responses	Response Rate	Percent with Sufficient Knowledge	Number with Sufficient Knowledge
Attorneys	14	40%	36%	5
Judges	55	27%	56%	31

In addition to the responses above, Justice Hart received 0 responses via the open Citizen Feedback survey. Those responses are included with non-attorney results wherever applicable. However, due to the nature of data collection, they are not included in response rates.

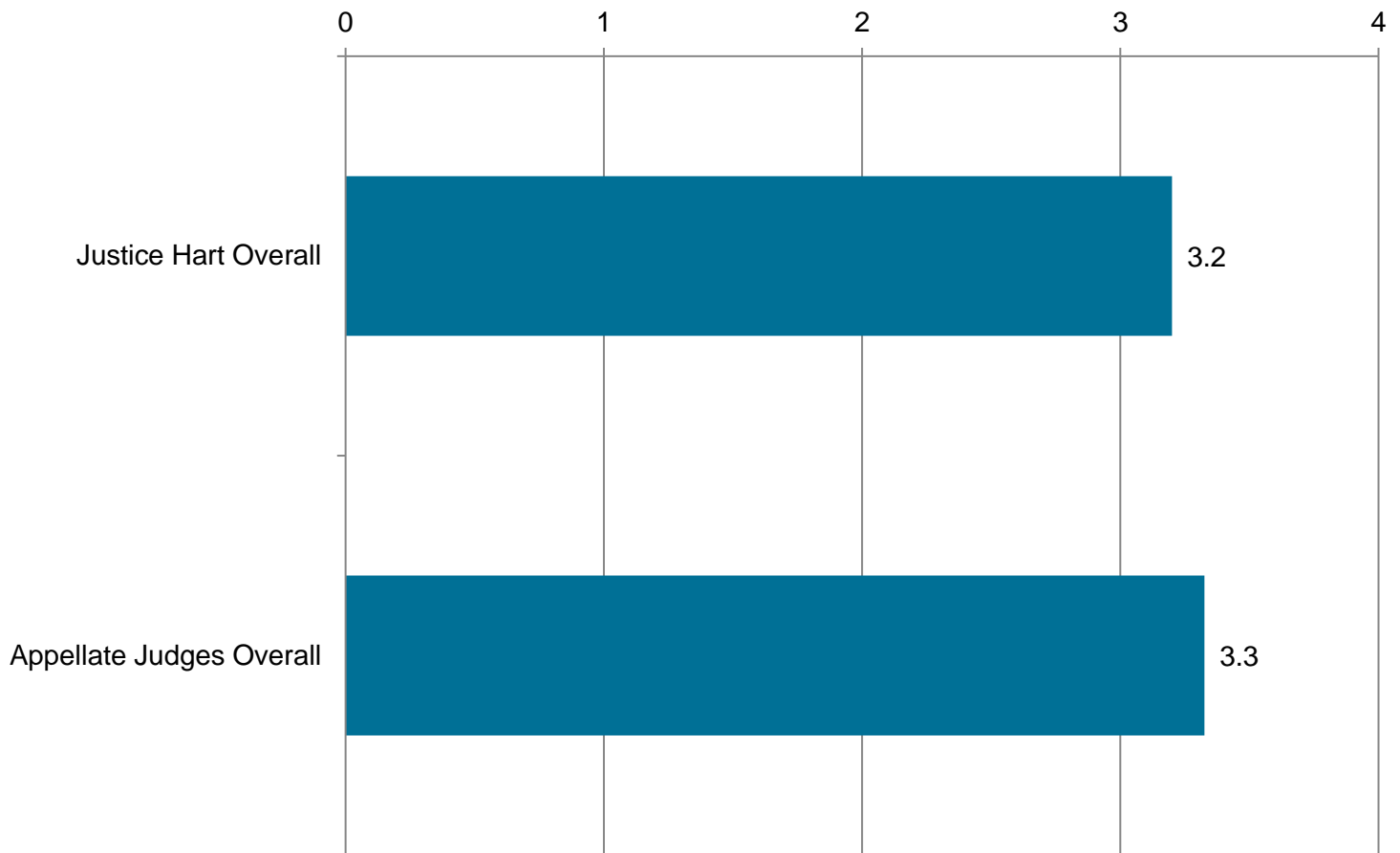
Detailed Report

General Evaluation Questions



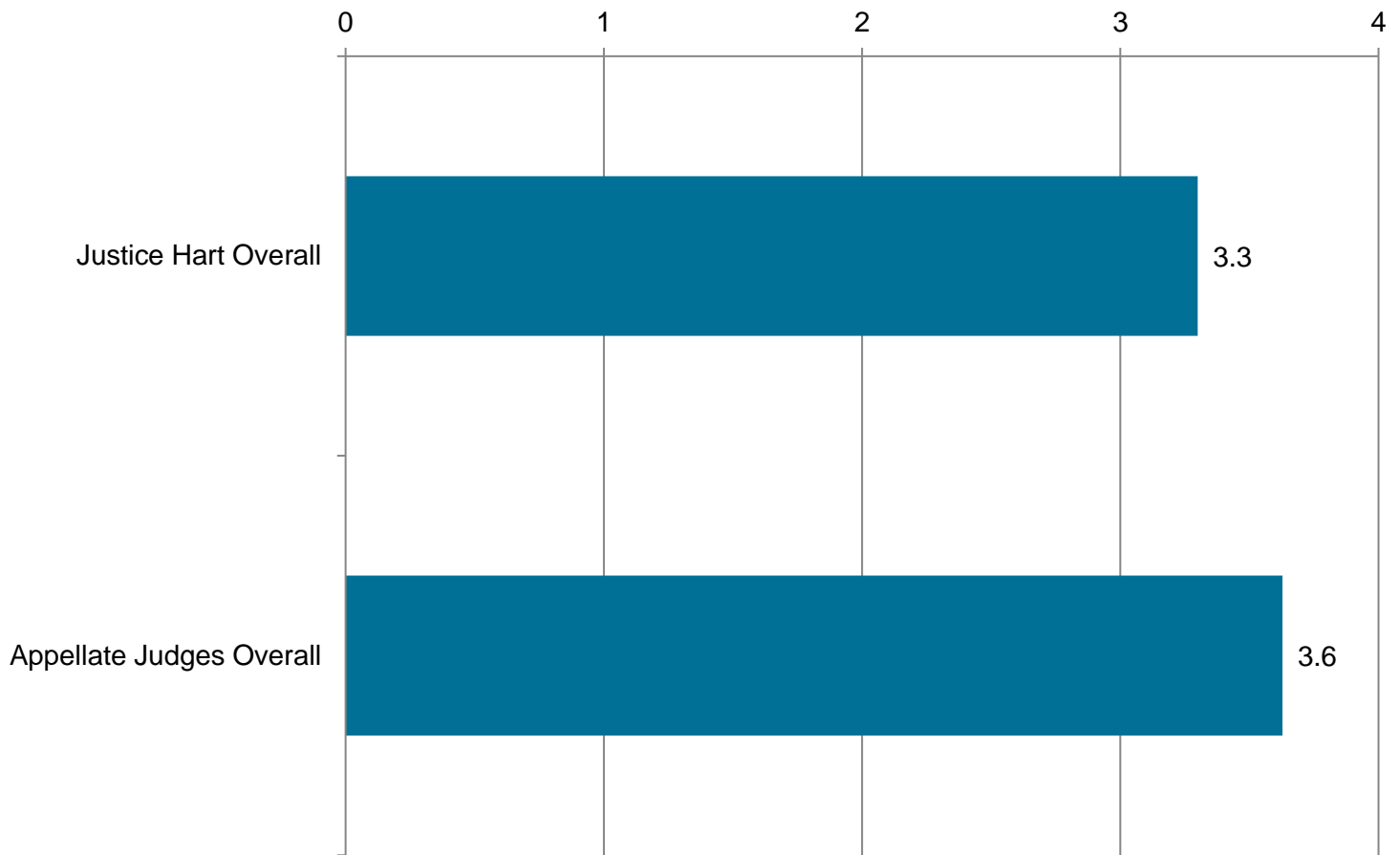
	Justice Hart Overall	Appellate Judges Overall	Number of Responses
Being fair and impartial toward each side of the case	3.6	3.4	5
Allowing parties to present their arguments and answer questions	3.6	3.7	5
Treating parties equally regardless of race, sex, or economic status	3.6	3.7	5
Being courteous toward attorneys	3.6	3.7	5
Not engaging in ex parte communications	3.5	4.0	4
Being prepared for oral argument	3.6	3.6	5

Appellate Writing



	Justice Hart Overall	Appellate Judges Overall	Number of Responses
Writing opinions that are clear	3.2	3.4	4
Writing opinions that adequately explain the basis of the Court's decision	3.2	3.3	4
Issuing opinions in a timely manner	3.2	3.4	4
Making decisions without regard to possible criticism	3.2	3.5	4
Making reasoned decisions based upon the law and facts	3	3.2	4
Refraining from reaching issues that need not be decided	3.2	3.4	4

Inter-Judge Survey Questions



	Justice Hart Overall	Appellate Judges Overall	Number of Responses
Writing opinions that are clear	3.2	3.6	28
Writing opinions that adequately explain the basis of the Court's decision	3.2	3.6	28
Issuing opinions in a timely manner	3.2	3.6	23
Making decisions without regard to possible criticism	3.3	3.7	28
Making reasoned decisions based upon the law and facts	3.2	3.6	29
Refraining from reaching issues that need not be decided	3.3	3.5	26
Being fair and impartial toward each side of the case	3.3	3.7	28
Treating parties equally regardless of race, sex, or economic status	3.7	3.9	29

Appendix 1. Survey Methods – Attorney

Methodology and How to Read Results

For Justice Hart, 36 individuals completed surveys with at least a single rating question answered. This report reflects these 36 responses. The survey results are divided into five sections: Performance, General Evaluation, Appellate Writing, Strengths and Weaknesses

a. Response rates

During the 2018 administration, a total of 16,364 survey invitations were sent to 5,769 attorneys inviting them to evaluate judges and justices receiving interim reports in 2019. On average, each attorney was asked to evaluate 2.8 judges. In total 3,837 surveys were completed with an additional 2,309 responses where the attorney indicated that they did not have enough experience with the judge to be comfortable evaluating him or her. The response rate for the survey was 38% and the survey completion rate (the number of those familiar enough to evaluate the judge divided by the total number of attorney responses including those indicating they did not have sufficient familiarity to evaluate the judge) was 62%.

b. Methodology

The 2018 attorney survey was conducted in 4 quarterly cycles online beginning on June 4th, 2018. Attorneys with appearances in front of judges during the first quarter of 2018 were first mailed a pre-notification letter on June 4th, 2018 informing them about the survey and providing a link and login information to access the survey online. Next, a series of three email invitations were sent on June 7th, June 18th, and July 2nd, 2018.

This process was repeated among attorneys with appearances in the second quarter of 2018 beginning with a pre-notification letter sent on August 10th, 2018. The letter was followed up by email invitations sent on August 13th, August 27th, and September 11th, 2018. For those attorneys with appearances during the 3rd quarter of 2018, the process was repeated again with a letter sent on November 26th and a series of emails sent on November 29th, December 11th, and December 29th, 2018.

To further increase the amount of data collected, an additional cycle of data collection took place in January and February 2019. Invitations were emailed to attorneys with appearances during the 4th quarter of 2018. This cycle included a pre-notification letter sent on January 25th followed up by email invitations sent on February 5th, February 11th, and February 19th, 2019. Additional invitations and reminders were sent out on request throughout the data collection process.

c. Questions

In the core of the survey, appellate judges were rated on 12 aspects of judicial performance using a grade scale of A, B, C, D, or F. Questions regarding appellate judges were divided into two categories, one for general questions and one specific to their writing (only asked of those who indicated they had experience with the judge or justice's written opinions).

In a final question, respondents were asked if they thought whether the judge met judicial performance standards. The question wording for the core of the survey was carried over from the 2018 administration with only minor changes to make the survey gender neutral. The questions were originally developed in 1998 to meet the criteria outlined in statute 13-5.5-101 et seq.

d. Analysis and Reporting

Letter grades were converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0 for analysis. The results include an overall grade, a grade for each category, as well as a grade for each question. The overall score is calculated by averaging the responses to all questions answered by the attorneys. This score will have the same numerical range as the individual questions from zero to four.

Each category score is calculated by averaging the responses to all questions answered by the attorney within each category. This score will have the same zero to four numerical range as the individual questions. Similarly, an average score is calculated for each individual question with the exception of the final question on meeting performance standards.

The overall average and category scores will be reported for each judge along with the average scores for the judge's peers. The average score (with the exception noted above) will also be reported for each question along with the peer group score. In addition, the report will include the distribution of responses for each question, i.e. the percentage of attorneys that assigned a rating of A, B, C, D, and F. The distribution of responses is also reported for the question on retention.

e. Comments

At the end of each group of questions respondents had the option of leaving comments about the judge's performance in that area. By statute, these comments are confidential and only provided to the judge and the District Commission on Judicial Performance. They are not released to the public when the rest of the report is released.

Appendix 2. Survey Methodology – Inter Judge Evaluations

Methodology and How to Read Results

a. Response rates

This portion of data collection consisted of two parts. The first involved district judges being invited to evaluate the appellate judges and justices receiving interim reports in 2019. All 179 district judges were invited via email to evaluate each of the 15 Supreme Court justices and Court of Appeals judges receiving interim reports for a total of 2,685 invitations sent. A total of 671 responses were received for a response rate of 25%.

The second phase of data collection was the inter-appellate evaluation where appellate judges and justices were invited to evaluate their peers receiving interim reports in 2019. All 28 appellate judges and justices were invited to evaluate all 15 of their peers receiving reports with the exception that no judge was invited to evaluate themselves for a total of 405 survey invitations sent. A total of 147 responses were received for a response rate of 36%.

b. Methodology

The evaluation of appellate judges and justices by district judges was conducted online using Qualtrics 360 research software. Invitations were sent to district judges via email on February 1st, 2019 with reminders sent on February 6th and 19th. The survey was closed and data was downloaded on February 21st, 2019.

The inter-appellate evaluation was also conducted online using online using Qualtrics 360 research software. A single email invitation was sent on February 6th, 2019. The survey was closed and data was downloaded on February 21st, 2019.

c. Questions

In the core of the survey, appellate judges were rated on 8 aspects of judicial performance using a grade scale of A, B, C, D, or F. In a final question, respondents were asked if they thought whether the judge met judicial performance standards.

The question wording for the core of the survey was carried over from the 2018 administration with only minor changes to make the survey gender neutral. The questions were originally developed in 1998 to meet the criteria outlined in statute 13-5.5-101 et seq.

d. Analysis and Reporting

Letter grades were then converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and Fail = 0 for analysis. The overall score is calculated by averaging the responses to all questions answered. This score will have the same numerical range as the individual questions from zero to four.

The overall average will be reported for each judge along with the average scores for the judge's peers. In addition, the report will include the distribution of responses for each question. That is, the percentage of respondents that assigned a rating of A, B, C, D, and F.

e. Comments

Respondents were given the option to leave supporting comments in a box next to where they graded each judge. By statute, these comments are confidential and only provided to the judge and the District Commission on Judicial Performance. They are not released to the public when the rest of the report is released.

Appendix 3: Judge Response Counts by Type of Respondent

Respondent Type	Total Sent	Number of Responses	Undeliverable/ Not Applicable	Completes*	Cooperation Rate
Attorney	35	14	0	5	36%
Judges	206	55	0	31	56%

*Completed surveys include respondents who said that they had sufficient experience to evaluate the judge.