

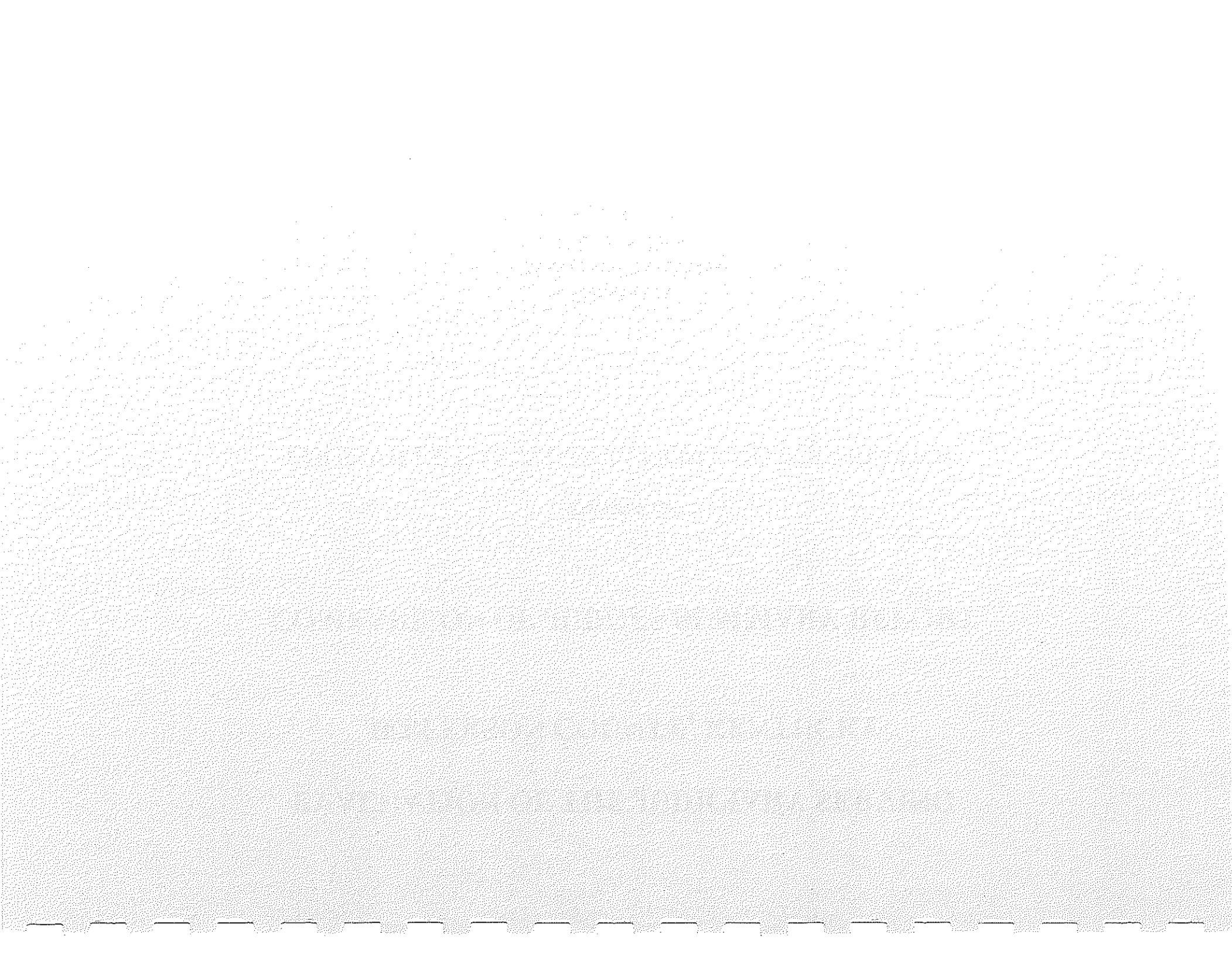
**EVALUATION OF THE JUDICIARY SERVING
JEFFERSON COUNTY, KENTUCKY
COMPARISON OF JUDGES SUMMARY REPORT**

Prepared for

LOUISVILLE BAR ASSOCIATION AND FOUNDATION

Prepared by
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METHOD OF EVALUATION

This first section summarizes the method used in the evaluation of the judiciary.



Eighteen (18) Judges from Jefferson District Court and nine (9) Judges from Jefferson Family Court were evaluated in 1999.

The survey instrument utilized in the 1999 judicial evaluation was a revised version of the one used in a previous evaluation of these judges in 1997.

The instrument was comprised of 21 quantitative items grouped into the five broad categories listed below. Two items, "Performance in Civil Cases" and "Performance in Criminal Cases," were used only in the evaluation of District Court judges. Only 19 of the 21 items were used in the evaluation of Family Court judges.

- Judicial Temperament
- Court Management
- Judicial Integrity
- Legal Ability
- Overall Performance
 - ⇒ Performance in Civil Cases (District Court judges only)
 - ⇒ Performance in Criminal Cases (District Court judges only)

Changes in the survey since the previous evaluation of these judges in 1997 include:

- Providing a picture of the judge being evaluated on each survey page.
- Rewording of “Refrains from interfering with the role of counsel in the presentation of his/her case” to “Refrains from interfering with the role of counsel in case presentation.”
- Rewording of “Is influenced by the gender of persons appearing before him/her” to “Is influenced by the gender of persons appearing in court.”
- Rewording of “Is influenced by the religion of persons appearing before him/her” to “Is influenced by the religion of persons appearing in court.”
- Rewording of “Is influenced by the race of persons appearing before him/her” to “Is influenced by the race of persons appearing in court.”
- Adding the following caveat at the bottom of each evaluation page:
 - ⇒ “Please do not evaluate if you have not had substantial professional contact with this judge in the last two years.”
- Eliminating a question comparing substitute judges with sitting judges.

- Replacing “Please set forth here any additional comments you may have regarding this survey process or the judges being evaluated” with “General comments on how we can improve this evaluation process are welcome. Please set forth here any additional comments you may have regarding this survey instrument.”

In early October, a letter announcing the forthcoming survey and a return postcard for attorneys who believed they were qualified to participate in the 1999 evaluation were sent to approximately 3,400 members of the Kentucky Bar practicing in Jefferson County. Six hundred and sixty-nine (669) attorneys returned postcards stating they were qualified. This is an increase of 19% from the last evaluation of these judges in 1997.

Survey instruments were mailed to 669 attorneys on November 3, 1999. Respondents were asked to mail their completed surveys to Merker and Associates in pre-addressed, postage-paid envelopes.

Reminder cards were sent on November 12th.

Surveys were accepted by Merker and Associates through December 10, 1999.

In 1999, 373 of the 669 attorneys returned completed surveys yielding a response rate of 56%. The response rate was 57% (416 surveys) in 1998 and 59% (331 surveys) in 1997. The level of response in 1999, 373 surveys, is a 13% increase over the 331 returned surveys in 1997, the last year that these judges were evaluated.

- The median number of respondents per judge was 193 (high=281; low=118).
- Based on random variance assumptions, the accuracy level of overall performance for the person receiving the median number of responses is plus or minus three percent (3%), with 95% confidence.

Nineteen (19) of the judges evaluated in 1999 were also evaluated in 1997 enabling a comparison of results over time for these judges.

RESULTS

This section of the report is a summary of the results comparing judges in the five categories of:

- Judicial Temperament
- Court Management
- Judicial Integrity
- Legal Ability
- Overall Performance

JUDICIAL TEMPERAMENT

The Judicial Temperament category includes:

- Gives due consideration to arguments of counsel
- Conducts court proceedings courteously
- Pre-determines the outcome of the case
- Refrains from interfering with the role of counsel in case presentation
- Conducts court proceedings with objectivity.

JUDICIAL TEMPERAMENT (cont'd)

Survey results on Judicial Temperament items ranged from 83% favorable to 88% favorable.

On average, eighty-five percent (85%) of all responses were favorable (“agree” responses to positively-worded statements and “disagree” responses to negatively-worded statements).

An item where collectively judges scored highest was

- Conducts court proceedings courteously (88%).

Items with the lowest favorable rating for the collective group were

- Pre-determines the outcome of the case (83%)
- Conducts court proceedings with objectivity (83%).

JUDICIAL TEMPERAMENT (cont'd)

All five of the Judicial Temperament items changed more than 4% (positively) since the last survey of these judges in 1997.

- Gives due consideration to arguments of counsel (+6% -- 79% to 85%)
- Conducts court proceedings courteously (+6% -- 82% to 88%)
- Pre-determines the outcome of the case (+6% -- 77% to 83%)
- Refrains from interfering with the role of counsel in case presentation (+5% -- 79% to 84%)
- Conducts court proceedings with objectivity (+6% -- 77% to 83%)

JUDICIAL TEMPERAMENT (cont'd)

Two judges had a rating above 95% on Judicial Temperament.

- Donald E. Armstrong, Jr. (97%)
- Denise G. Clayton (97%)*

Eight judges had a rating above 90% on Judicial Temperament.

- Donald E. Armstrong, Jr. (97%)
- Denise G. Clayton (97%)*
- Kathleen Voor Montano (94%)
- Virginia C. Whittinghill (94%)
- Judith K. Bartholomew (93%)
- Jerry J. Bowles (93%)*
- Matthew K. Eckert (91%)
- Patricia Walker FitzGerald (91%)*

**Family Court*

JUDICIAL TEMPERAMENT (cont'd)

One judge received a relatively low rating.

- Paula Fitzgerald (56%)

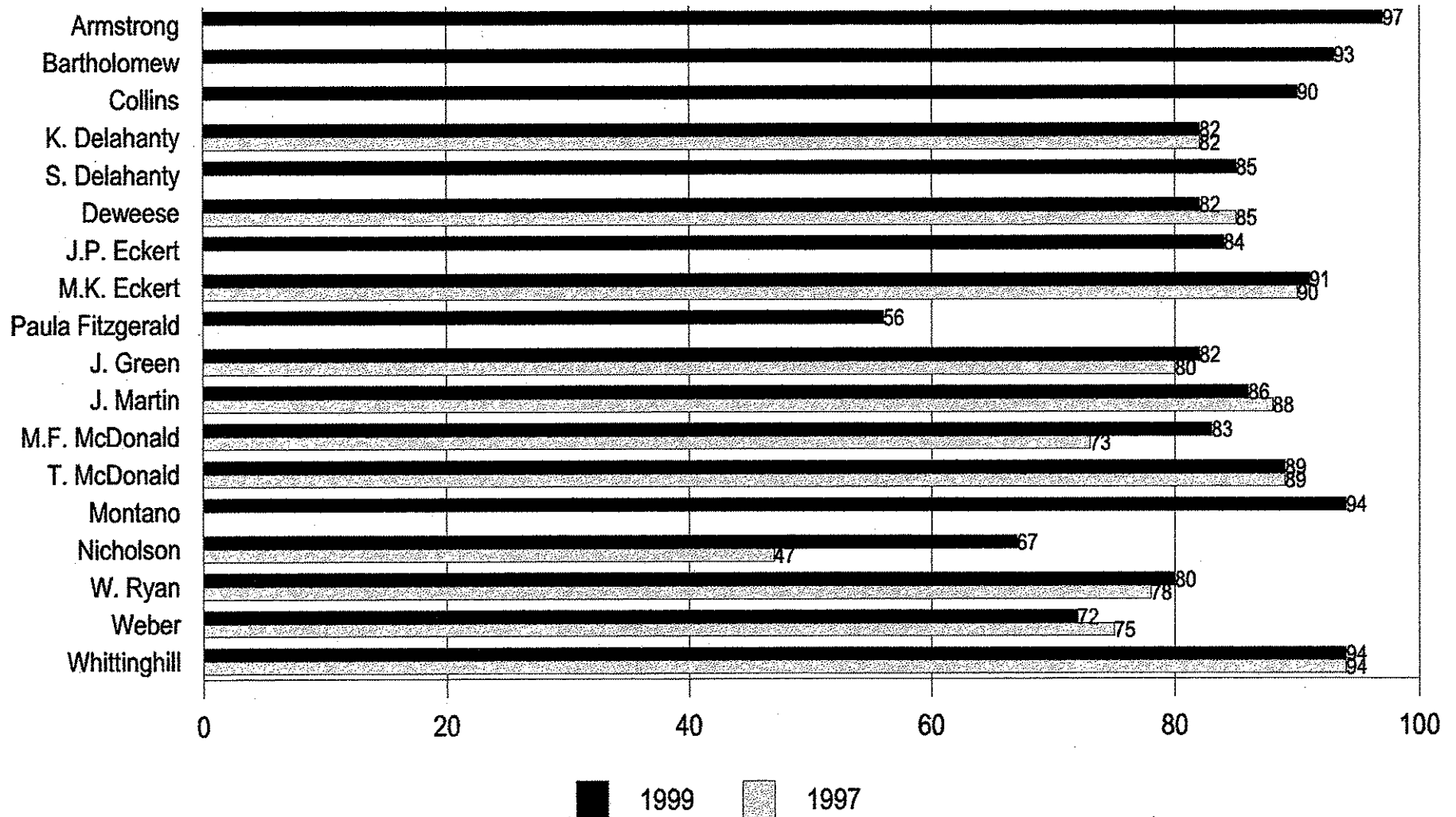
Two judges showed a more than 5% improvement in Judicial Temperament from 1997 to 1999.

- James C. Nicholson (20% -- 47% to 67%)
- Martin F. McDonald (10% -- 73% to 83%)

No judge showed a more than 5% decline in Judicial Temperament from 1997 to 1999.

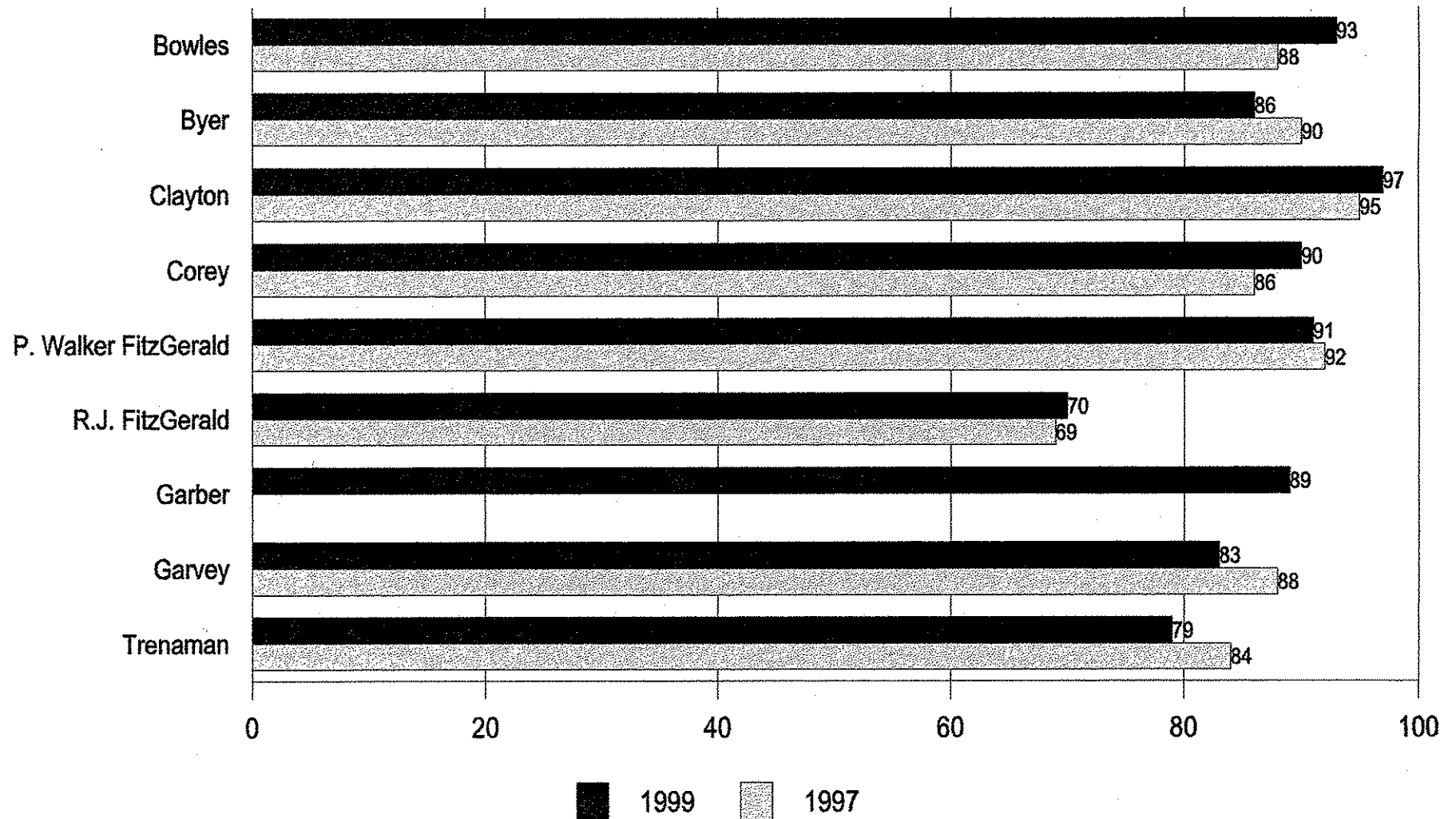
JUDICIAL TEMPERAMENT

Jefferson District Court



JUDICIAL TEMPERAMENT

Jefferson Family Court



COURT MANAGEMENT

The Court Management category includes:

- Conducts court business in a timely manner
- Is usually available for business during normal working hours
- Convenes court punctually
- Is familiar with the file so as to consider issues presented
- Conducts court proceedings with firmness.

COURT MANAGEMENT (cont'd)

The responses to the Court Management items were quite favorable.

On average, ninety percent (90%) of all responses were favorable.

The item with the highest favorable rating was:

- Conducts court proceedings with firmness (93%).

No one item had a comparatively unfavorable rating.

Two of the Court Management items changed 4% or more from 1997 to 1999.

- Is usually available for business during normal working hours (+4% -- 86% to 90%)
- Is familiar with the file so as to consider issues presented (+4% -- 85% to 89%).

COURT MANAGEMENT (cont'd)

Three judges had ratings above 95%.

- Donald E. Armstrong, Jr. (97%)
- Sheila A. Collins (97%)
- Jerry J. Bowles (96%)*

**Family Court*

COURT MANAGEMENT (cont'd)

Eighteen (18) judges had Court Management ratings above 90%.

- Donald E. Armstrong, Jr. (97%)
- Sheila A. Collins (97%)
- Jerry J. Bowles (96%)*
- Judith K. Bartholomew (95%)
- Virginia C. Whittinghill (95%)
- Denise G. Clayton (95%)*
- Kevin L. Garvey (95%)*
- Mason L. Trenaman (95%)*
- Mary L. Corey (94%)*
- Richard J. FitzGerald (94%)*
- Matthew K. Eckert (93%)
- Kathleen Voor Montano (93%)
- William P. Ryan, Jr. (93%)
- Joan L. Byer (93%)*
- Sean R. Delahanty (92%)
- Tom McDonald (92%)
- Henry F. Weber (92%)
- Martin F. McDonald (91%)

**Family Court*

COURT MANAGEMENT (cont'd)

One judge had a relatively low rating.

- Paula Fitzgerald (60%)

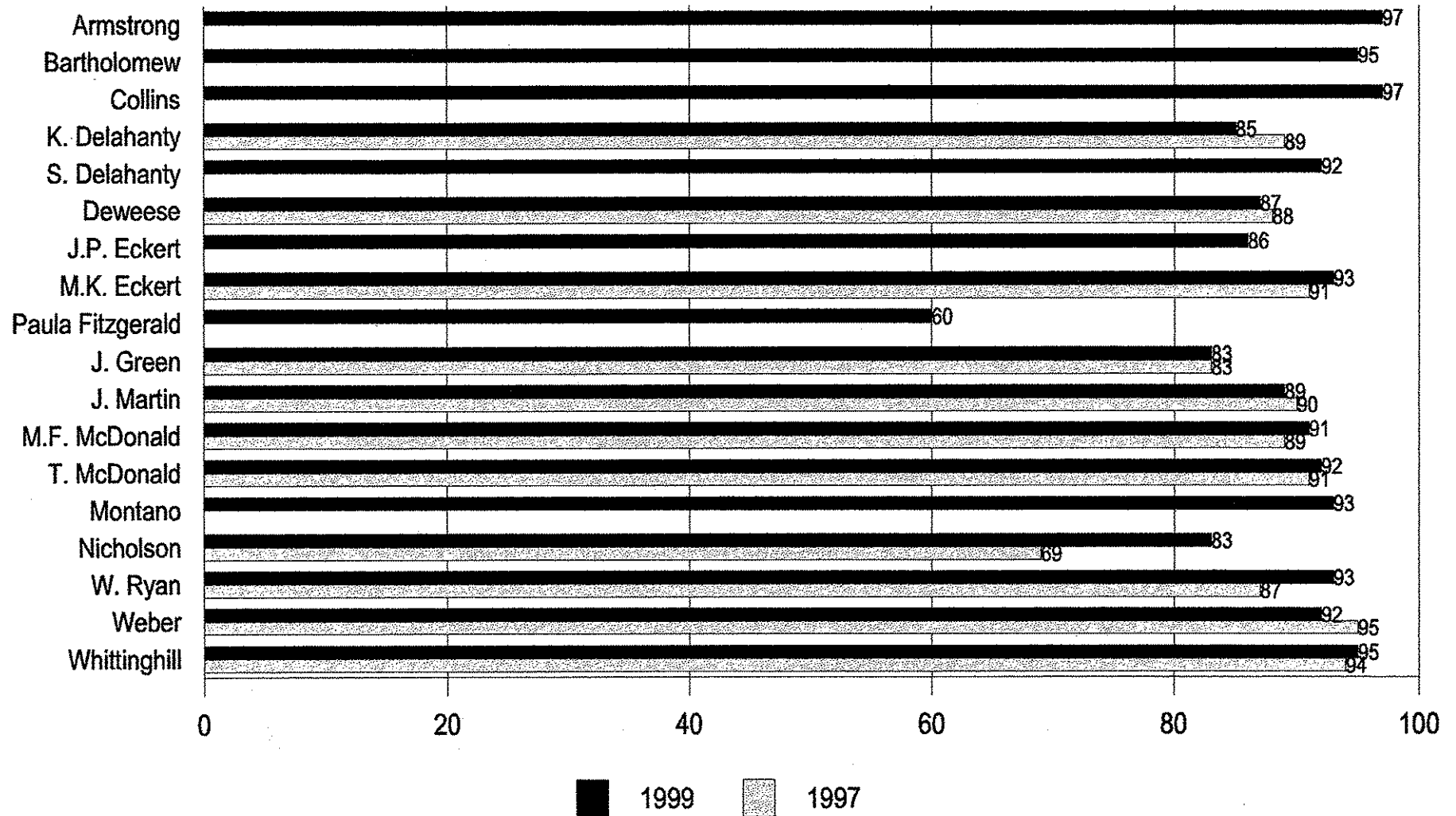
Two judges had an increase of more than 5% in score on Court Management.

- James C. Nicholson (14% -- 69% to 83%)
- William P. Ryan, Jr. (6% -- 87% to 93%)

No judge had a decline in score on Court Management of more than 5% from 1997 to 1999.

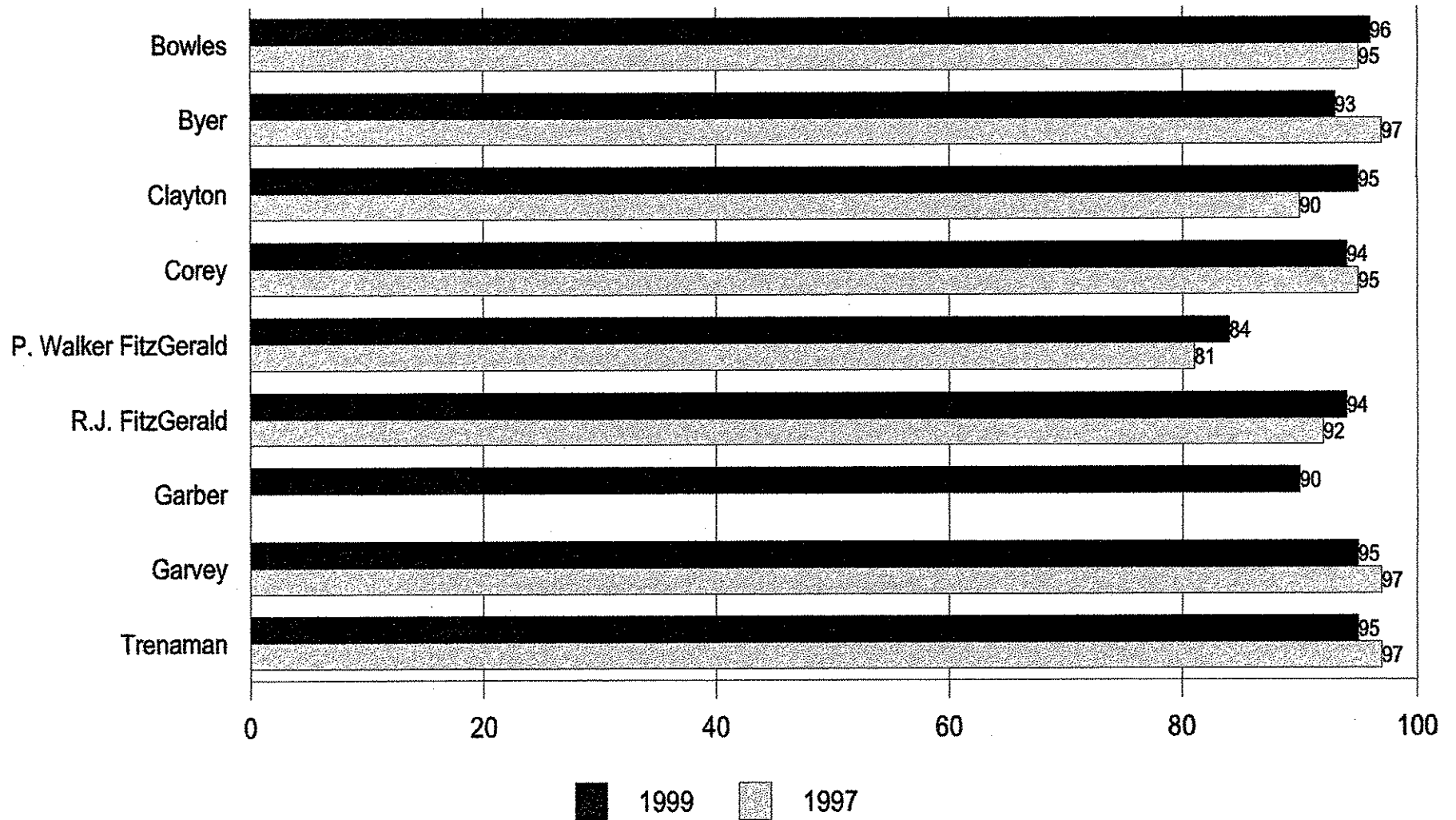
COURT MANAGEMENT

Jefferson District Court



COURT MANAGEMENT

Jefferson Family Court



JUDICIAL INTEGRITY

The Judicial Integrity category is comprised of:

- Is influenced by the gender of persons appearing in court
- Engages in out-of-court conduct or activity which directly interferes with judicial effectiveness
- Is influenced by the religion of persons appearing in court
- Is affected by partisan interests in the conduct of court
- Engages in *ex parte* communications which may prejudice proceedings
- Lets personal relationships affect his/her judgment
- Is influenced by the race of persons appearing in court.

JUDICIAL INTEGRITY (cont'd)

On average, ninety-one percent (91%) of the responses to the Judicial Integrity items were positive or favorable.

Items with the highest favorable ratings include:

- Not being influenced by the religion of persons appearing in court (97%)
- Not being influenced by the race of the persons appearing in court (96%).

The item with the lowest favorable rating was:

- Lets personal relationships affect his/her judgment (86%).

None of the Judicial Integrity items showed an improvement or decline over time of four or more percentage points.

JUDICIAL INTEGRITY (cont'd)

Four (4) judges received ratings above 95%.

- Donald E. Armstrong, Jr. (98%)
- Virginia C. Whittinghill (97%)
- Denise G. Clayton (97%)*
- Sheila A. Collins (96%)

**Family Court*

JUDICIAL INTEGRITY (cont'd)

Twenty (20) judges received ratings above 90%.

- Donald E. Armstrong, Jr. (98%)
- Patricia Walker FitzGerald (93%)*
- Virginia C. Whittinghill (97%)
- Eleanore M. Garber (93%)*
- Denise G. Clayton (97%)*
- Sean R. Delahanty (92%)
- Sheila A. Collins (96%)
- Matthew K. Eckert (92%)
- Judith K. Bartholomew (95%)
- Mary L. Corey (92%)*
- Kathleen Voor Montano (95%)
- Deborah J. Deweese (91%)
- Henry F. Weber (94%)
- Janice R. Martin (91%)
- Kevin L. Garvey (94%)*
- Martin F. McDonald (91%)
- William P. Ryan, Jr. (93%)
- Tom McDonald (91%)
- Jerry J. Bowles (93%)*
- Mason L. Trenaman (91%)*

**Family Court*

JUDICIAL INTEGRITY (cont'd)

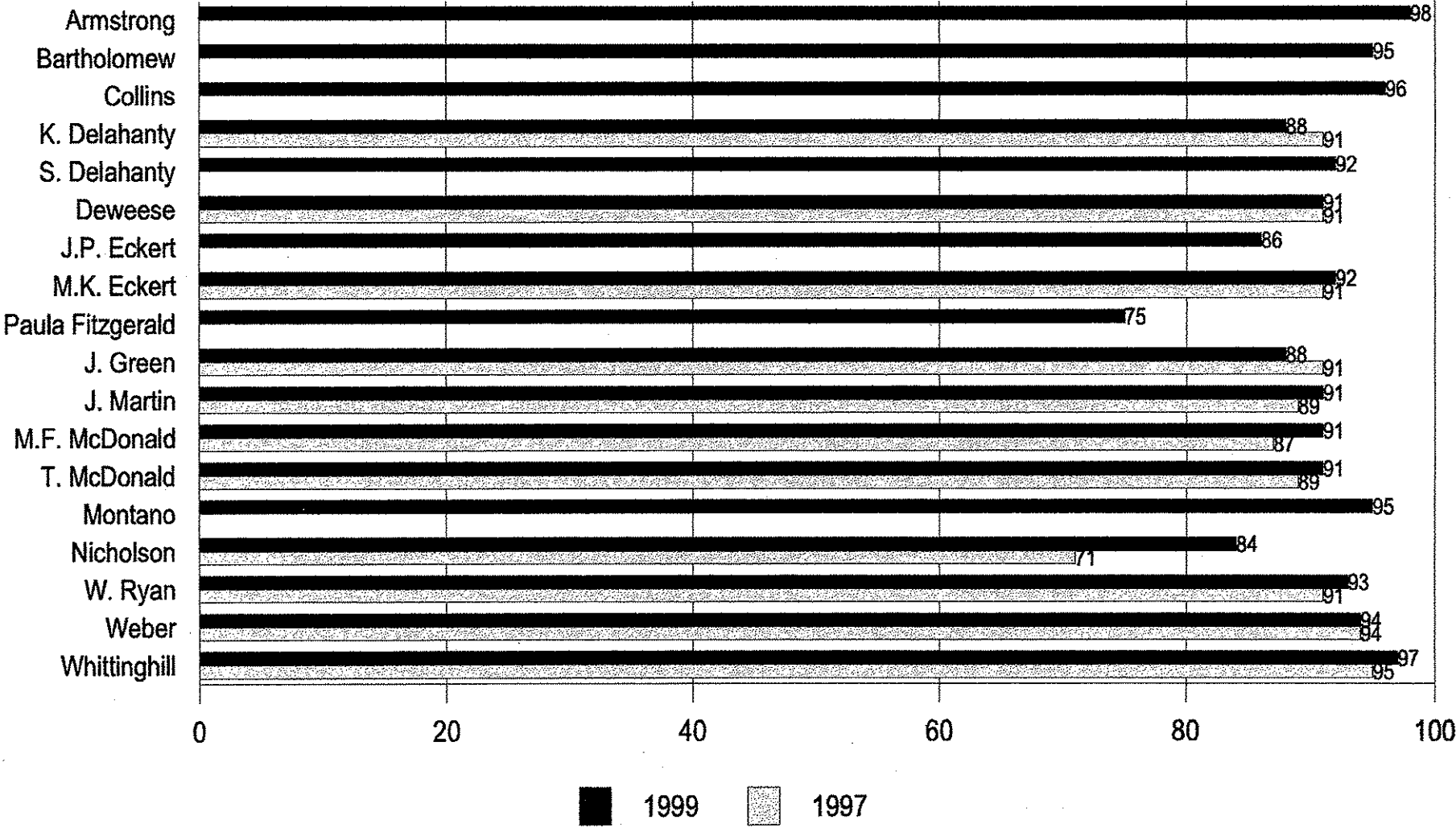
One judge showed a more than 5% improvement with respect to Judicial Integrity over time from 1997 to 1999.

- James C. Nicholson (13% -- 71% to 84%)

No judge showed a more than 5% decline with respect to Judicial Integrity over time from 1997 to 1999.

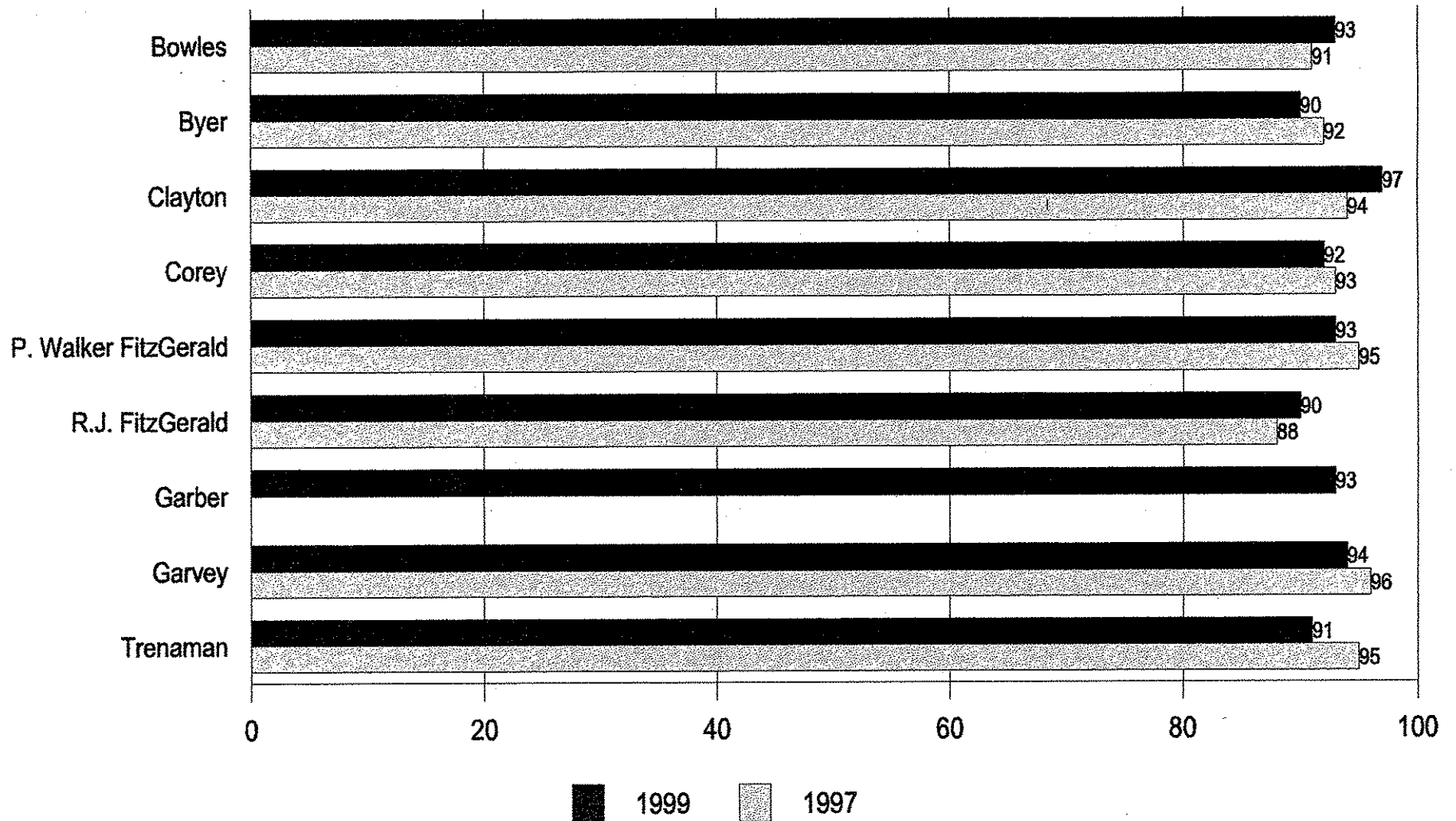
JUDICIAL INTEGRITY

Jefferson District Court



JUDICIAL INTEGRITY

Jefferson Family Court



LEGAL ABILITY

The Legal Ability category is comprised of:

- Renders decisions that reflect sound legal analysis.

On average, eighty-three percent (83%) of all responses were favorable.

The overall Legal Ability score showed an improvement of 7% (76% to 83%) from 1997 to 1999.

LEGAL ABILITY (cont'd)

One judge received a rating above 95%.

- Donald E. Armstrong, Jr. (96%)

Four judges received ratings above 90%.

- Donald E. Armstrong, Jr. (96%)
- Virginia C. Whittinghill (94%)
- Sheila A. Collins (91%)
- Matthew K. Eckert (91%)

One judge had a relatively low rating.

- Paula Fitzgerald (33%)

LEGAL ABILITY (cont'd)

Five judges showed an improvement of more than 5% over time.

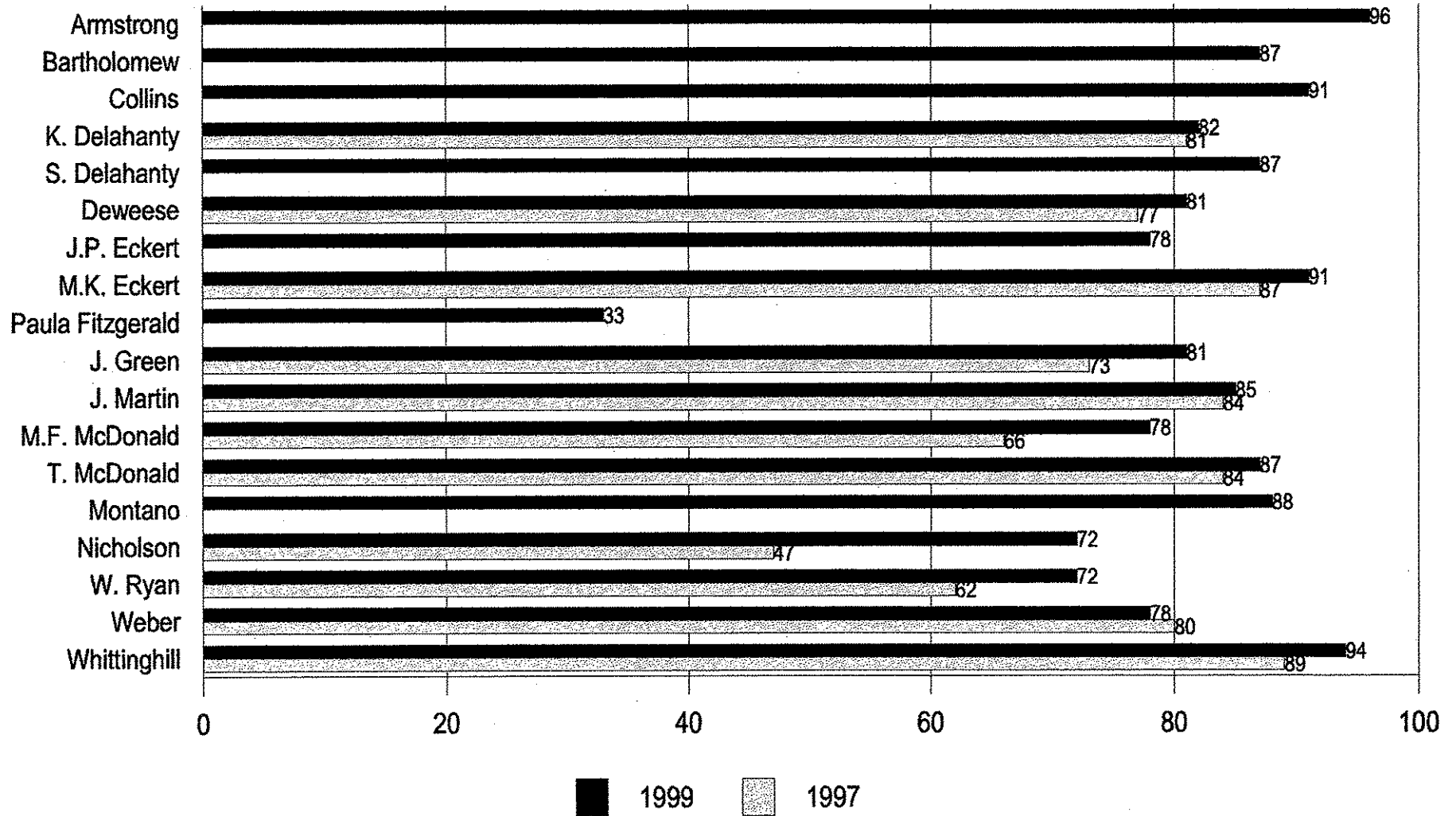
- James C. Nicholson (25% -- 47% to 72%)
- Martin F. McDonald (12% -- 66% to 78%)
- William P. Ryan, Jr. (10% -- 62% to 72%)
- James M. Green (8% -- 73% to 81%)
- Jerry J. Bowles (8% -- 82% to 90%)*

No judge showed a decline of more than 5% from 1997 to 1999.

**Family Court*

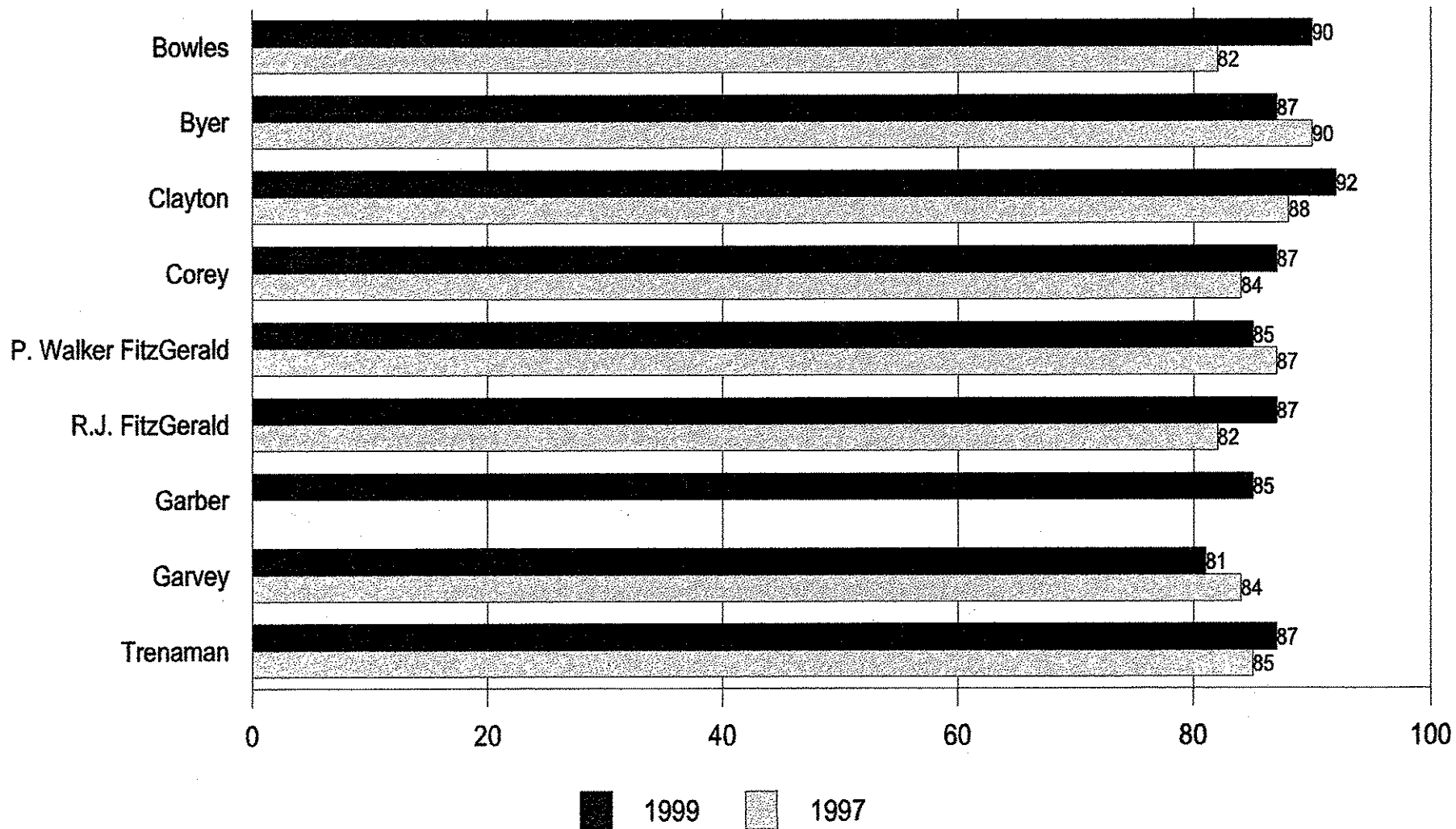
LEGAL ABILITY

Jefferson District Court



LEGAL ABILITY

Jefferson Family Court



OVERALL PERFORMANCE

The Overall Performance category is comprised of:

- Does a good job overall.

On average, eighty-four percent (84%) of all responses were favorable. The overall performance score increased 6% from 1997 to 1999.

Seven (7) judges had a rating above 90%.

- Donald E. Armstrong, Jr. (95%)
- Denise G. Clayton (95%)*
- Virginia C. Whittinghill (93%)
- Judith K. Bartholomew (92%)
- Matthew K. Eckert (92%)
- Kathleen Voor Montano (92%)
- Jerry J. Bowles (92%)*

**Family Court*

OVERALL PERFORMANCE (cont'd)

One judge received a relatively low rating.

- Paula Fitzgerald (31%)

Five judges showed an improvement of more than 5% over time from 1997 to 1999.

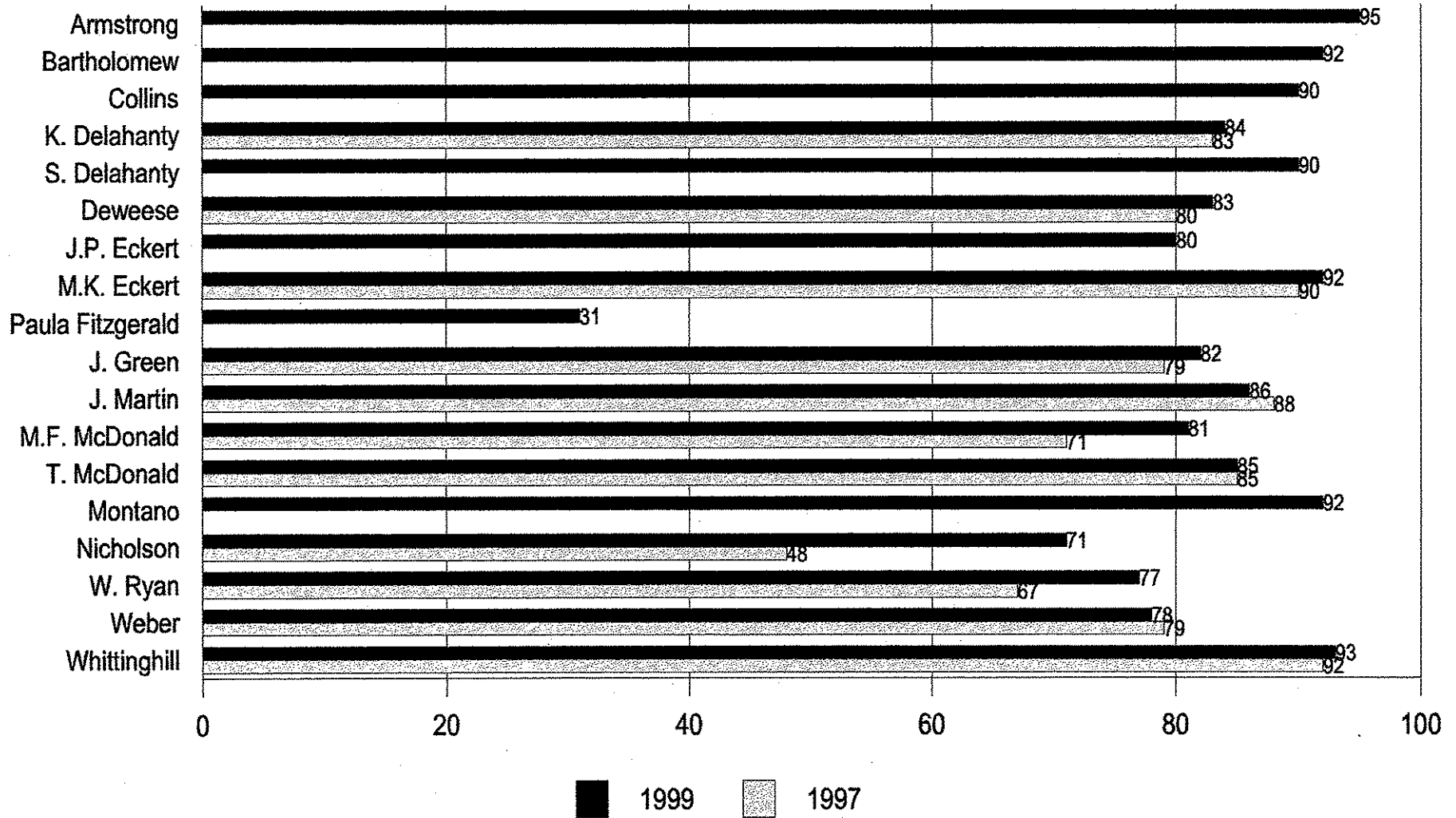
- James C. Nicholson (23% -- 48% to 71%)
- Martin F. McDonald (10% -- 71% to 81%)
- William P. Ryan, Jr. (10% -- 67% to 77%)
- Jerry J. Bowles (9% -- 83% to 92%)*
- Denise G. Clayton (6% -- 89% to 95%)*

No judge showed a decline of more than 5% over time from 1997 to 1999.

**Family Court*

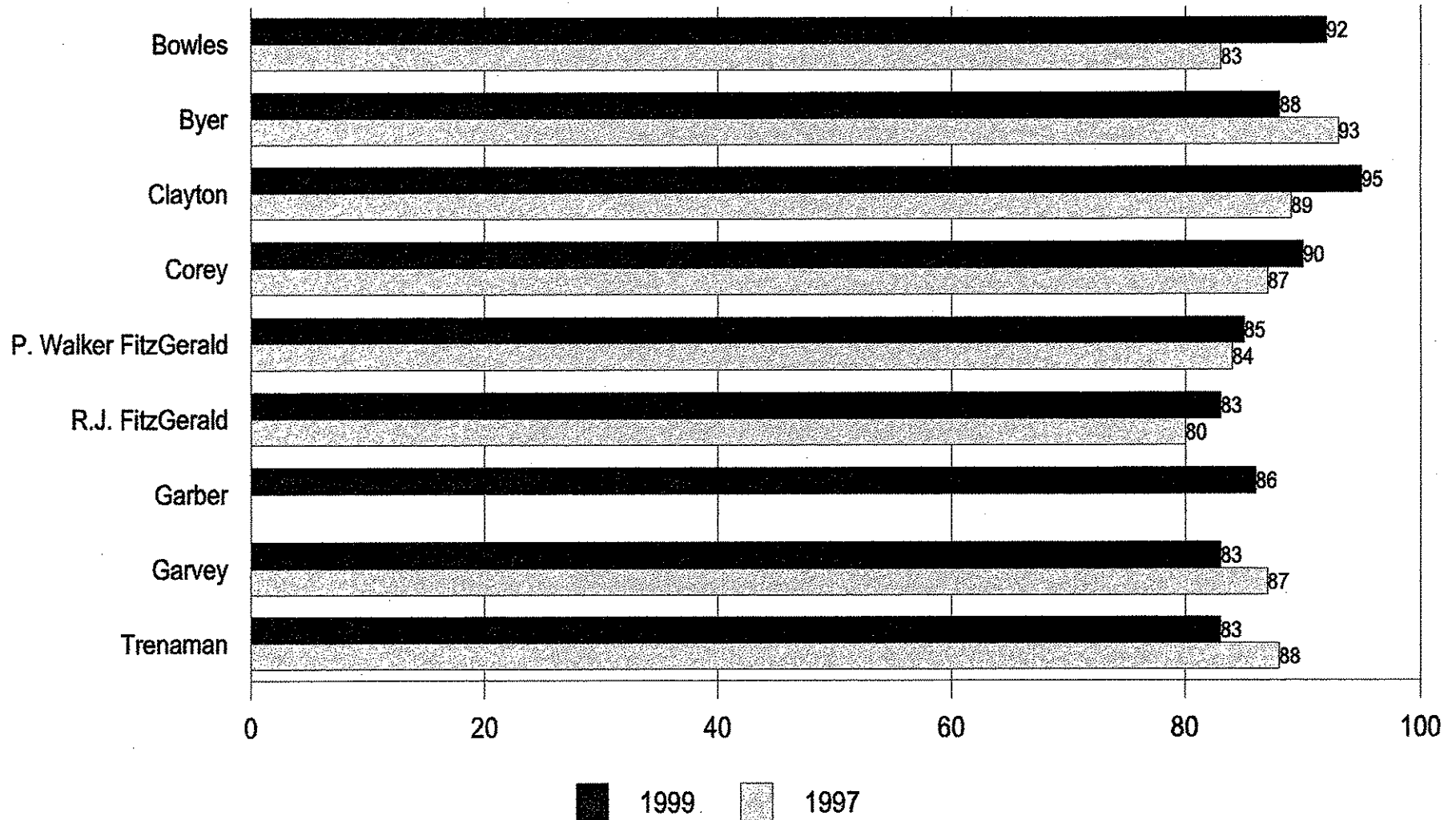
OVERALL PERFORMANCE

Jefferson District Court



OVERALL PERFORMANCE

Jefferson Family Court

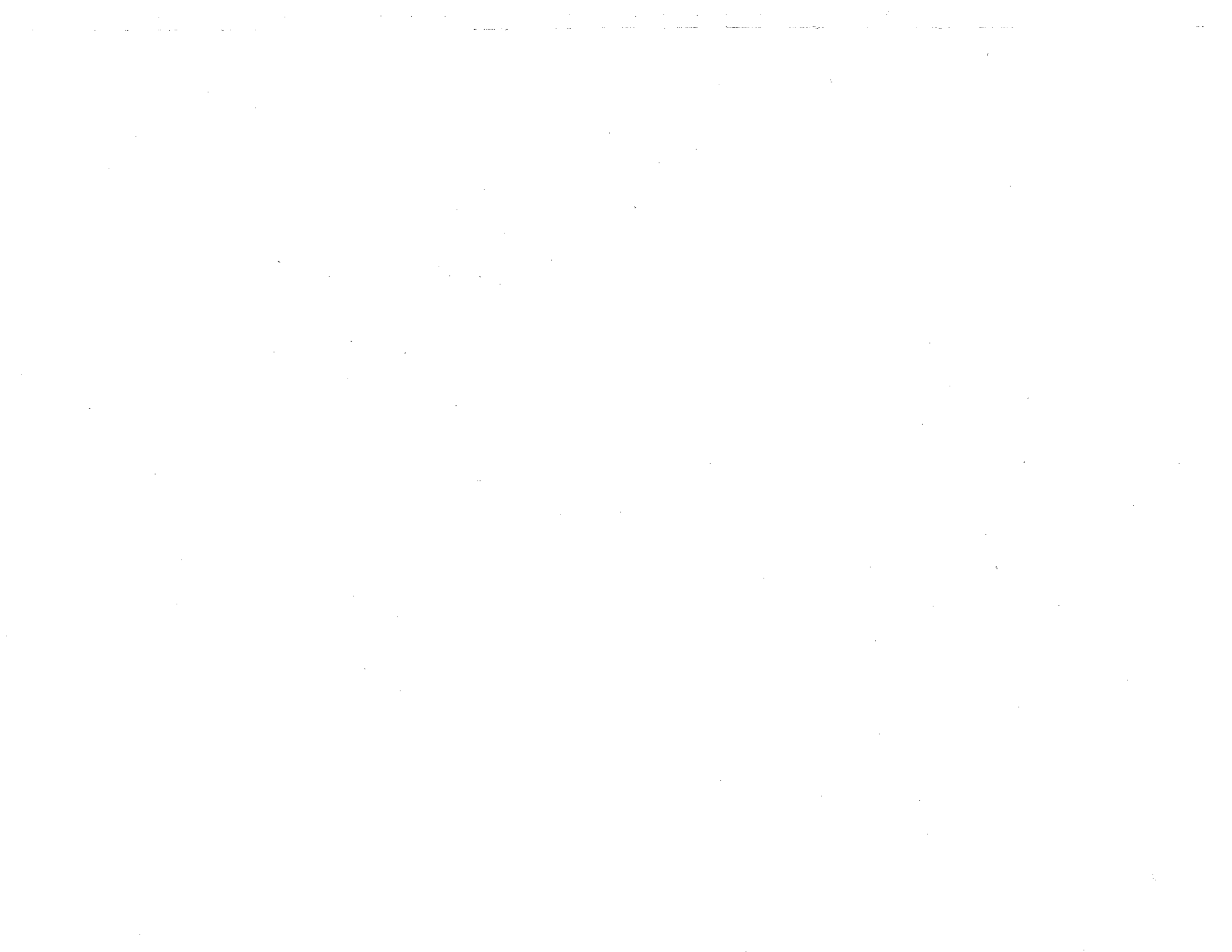


RESULTS

(Part 2)

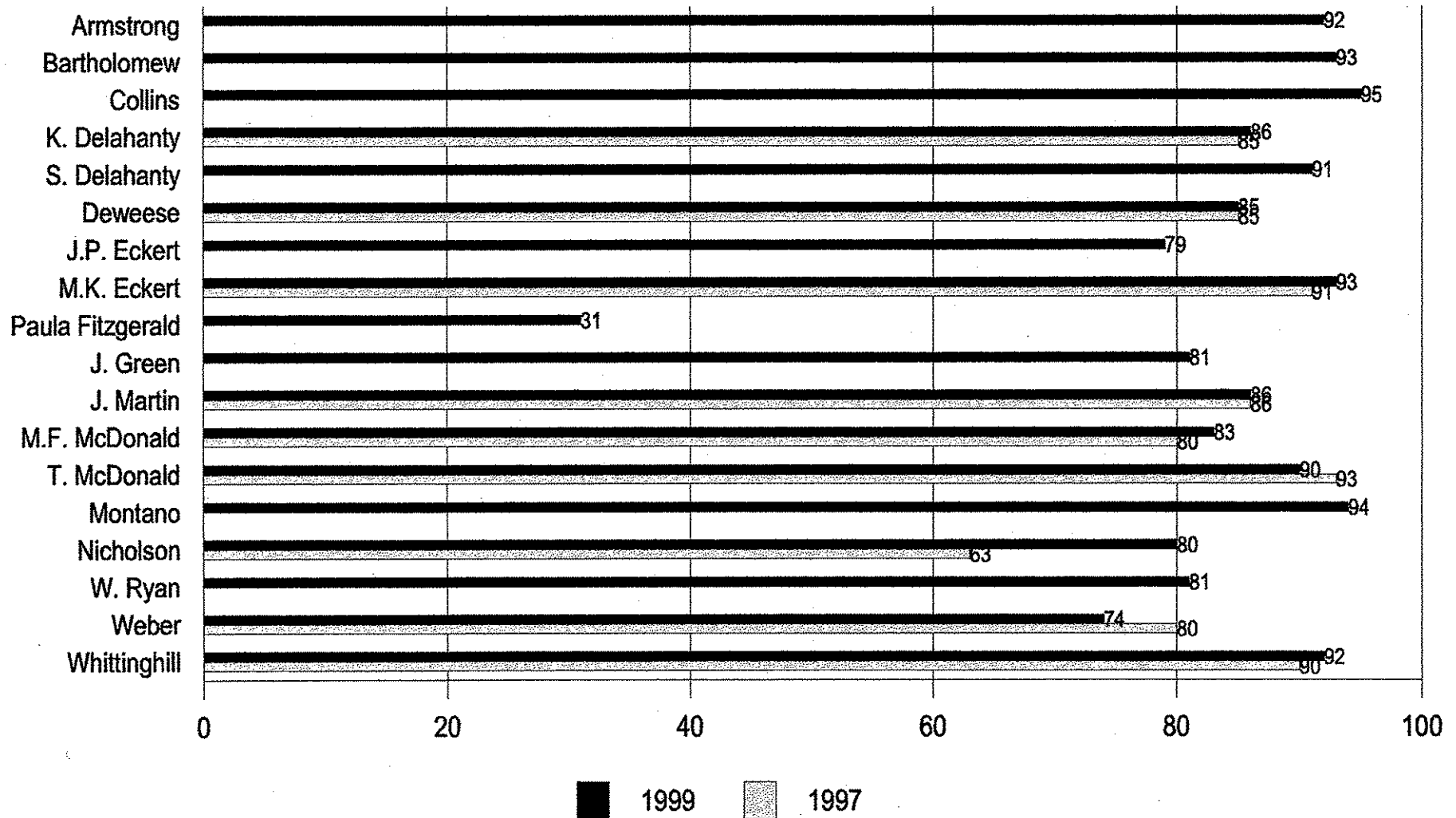
This section is a summary of the results comparing District Court judges on two additional dimensions:

- Performance - Civil Cases
- Performance - Criminal Cases



PERFORMANCE - CIVIL CASES

Jefferson District Court



PERFORMANCE - CRIMINAL CASES

Jefferson District Court

