AN EVALUATION OF THE JUDICIARY SERVING

JEFFERSON COUNTY, KENTUCKY

Prepared for

LOUISVILLE BAR ASSOCIATION AND FOUNDATION

Merker and Associates
P.O. Box 4009
Louisville, KY 40204-9885

February 2003
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* - U.S. District Court
^ - Magistrate Judge
^ - U.S. Bankruptcy Court
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THE SURVEY PACKET

Each packet mailed to participating attorneys included:

1) A cover letter from the presidents of the Louisville Bar Association and the Louisville Bar Foundation.

2) A survey booklet containing: a Comment under Rule 8.2 of SCR3.130, Kentucky Rules of Professional Conduct; a reference to Canons 1, 2, & 3 of the Code of Judicial Conduct; instructions for completing the evaluations; an evaluation page for each judge; and space for general comments.

A sample page from the survey booklet and the remaining items above are reproduced on the following 5 pages.
November 8, 2002

Dear Fellow Member of the Bar,

The Louisville Bar Association and the Louisville Bar Foundation are once again co-sponsoring a judicial evaluation, this year focusing on Judges of Jefferson Circuit Court, U.S. District Court (including the Magistrate Judges), and U.S. Bankruptcy Court. Computer compilations and publication of the evaluation will be performed by Stephen L. Merker, Ph.D. of Merker & Associates. As in the past, Merker & Associates will keep strictly confidential the identity of persons requesting and returning survey forms. This information is not disclosed to the Judges.

The Boards of Directors of the Association and the Foundation believe the Bar has a professional responsibility to strive to improve our judicial system and the quality of justice it delivers. Indeed, one of the three main purposes of the Louisville Bar Foundation is improvement of the judiciary. Among other things, this evaluation provides the sort of constructive criticism and feedback that contribute to accomplishing this goal. Therefore, your thoughtful and objective participation in this evaluation is extremely important and will ensure the success and validity of this valuable public service.

We ask that you complete and return your confidential evaluation no later than Monday, December 2, 2002. Thank you for your consideration and cooperation.

Sincerely,

[Signatures]

Martha J. Hasselbacher, President
Louisville Bar Association

Olu A. Stevens, President
Louisville Bar Foundation

Enclosures
SCR 3.130 - Kentucky Rules of Professional Conduct

Rule 8. 2, Comment

Assessments by lawyers are relied on in evaluating the professional or personal fitness of persons being considered for election or appointment to judicial office and to public legal offices . . . Expressing honest and candid opinions on such matters contributes to improving the administration of justice. Conversely, false statements by a lawyer can unfairly undermine public confidence in the administration of justice.

SCR 4.300 - Code of Judicial Conduct

1. Recognizes that an independent and honorable judiciary is indispensable to justice in our society (Canon 1);

2. Requires a judge to maintain and enforce high standards of conduct to preserve the integrity and independence of the Judiciary (Canon 2);

3. Requires a judge to maintain professional competence and diligently discharge judicial administrative responsibilities (Canon 3); and

4. Requires a judge to perform his/her duties impartially and diligently (Canon 3).
Instructions

Evaluate and comment on only those Judges with whom you have had substantial professional contact within the last two years.

To evaluate a Judge, mark the box (in pen or pencil) representing your level of agreement with each item. If you cannot evaluate a Judge on a particular item, or have no opinion, please leave the response to that item blank.

If you have any comments you would like to make regarding the judicial performance of any particular Judge, which you feel may aid the Judge in improving his/her performance, you may make them in the general comment section at the end of each page. These comments will not be released to the press or the public. They will be communicated in a summary format only to the particular Judge to whom the comments apply. The identity of persons making comments is not disclosed to the Judges.

If you have comments about a specific court system or the evaluation process which you wish to share with the Chief Judge, please use page 26 for that purpose. These comments will not be released to the press or the public, but will be available to the Judicial Evaluation Committee and to the LBA staff. They will be communicated in a summary format to the Chief Judge of the court system to which the comments apply. The identity of persons making comments is not disclosed.

Do not sign the evaluation booklet. Place it in the provided manila envelope. Do not sign the manila envelope. Place the manila envelope in the return-certification envelope. The return-certification envelope must be signed and returned to Merker & Associates no later than Monday, December 2, 2002.

Merker & Associates will provide the appropriate controls to ensure the anonymity of each response.

PLEASE NOTE: Strongly agreeing with a statement is not necessarily a favorable response and may, in fact, be very unfavorable. Please read each item carefully.
This judge:

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gives due consideration to arguments of counsel</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Conducts court proceedings courteously</td>
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<tr>
<td>Pre-determines the outcome of the case</td>
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<tr>
<td>Refrains from interfering with the role of counsel in case presentation</td>
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<td></td>
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<tr>
<td>Conducts court proceedings with objectivity</td>
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<td></td>
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<tr>
<td>Conducts court business in a timely manner</td>
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<td></td>
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<tr>
<td>Is usually available for business during normal working hours</td>
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<td></td>
<td></td>
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<tr>
<td>Convenes court punctually</td>
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<tr>
<td>Is familiar with the file so as to consider issues presented</td>
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<tr>
<td>Conducts court proceedings with appropriate firmness</td>
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<tr>
<td>Is influenced by the gender of persons appearing in court</td>
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<td></td>
</tr>
<tr>
<td>Engages in out-of-court conduct or activity which directly interferes</td>
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<tr>
<td>with judicial effectiveness</td>
<td></td>
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</tr>
<tr>
<td>Is influenced by the religion of persons appearing in court</td>
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<tr>
<td>Is affected by partisan interests in the conduct of court</td>
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<tr>
<td>Engages in <em>ex parte</em> communications which may prejudice</td>
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<tr>
<td>proceedings</td>
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<td></td>
</tr>
<tr>
<td>Lets personal relationships affect his/her judgment</td>
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<td></td>
</tr>
<tr>
<td>Is influenced by the race of persons appearing in court</td>
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</tr>
<tr>
<td>Renders decisions that reflect sound legal analysis</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Does a good job overall</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If you could provide some advice to this judge to improve his/her performance, what would that advice be?
Special Section for General Comments:

General comments on how we can improve this evaluation process or how a court system could be improved are welcome. Please set forth here any additional comments you may have regarding this survey instrument.

Do not sign the evaluation booklet. Place it in the provided manila envelope. Do not sign the manila envelope. Place the manila envelope in the return-certification envelope. The return-certification envelope must be signed and returned to Merker & Associates no later than Monday, December 2, 2002.

Merker & Associates will provide the appropriate controls to ensure the anonymity of each response.

Thank you for your time and interest.
CHANGES IN THE SURVEY INSTRUMENT FOR 2002

Changes in the survey since the previous evaluation of these judges in 2000 include:

- Moving questions regarding performance in civil cases and performance in criminal cases to just after the question regarding Overall Performance.
PART I

SUMMARY RESULTS OF ALL JUDGES COMBINED

Part I presents the distribution of responses of all respondents, for all judges combined, to each of the survey items.

Some questions were worded positively and some negatively. Therefore, for some items "agree" or "strongly agree" are favorable responses; while for others "disagree" or "strongly disagree" are favorable responses. All values are rounded to the nearest integer.

Results are based on 385 returned surveys.
| All Judges |
|------------|----------------|----------------|----------------|----------------|
| **JUDICIAL TEMPERAMENT** |
| Gives due consideration to arguments of counsel |
| All: | 3 | 9 | 48 | 40 |
| Conducts court proceedings courteously |
| All: | 2 | 6 | 45 | 47 |
| Pre-determines the outcome of the case |
| All: | 36 | 50 | 11 | 3 |
| Refrains from interfering with the role of counsel in case presentation |
| All: | 3 | 10 | 56 | 30 |
| Conducts court proceedings with objectivity |
| All: | 3 | 10 | 52 | 35 |

| **COURT MANAGEMENT** |
| Conducts court business in a timely manner |
| All: | 2 | 4 | 57 | 37 |
| Is usually available for business during normal working hours |
| All: | 1 | 2 | 59 | 37 |
| Convenes court punctually |
| All: | 1 | 3 | 59 | 37 |
| Is familiar with the file so as to consider issues presented |
| All: | 1 | 7 | 55 | 37 |
| Conducts court proceedings with appropriate firmness |
| All: | 2 | 6 | 56 | 36 |

| **JUDICIAL INTEGRITY** |
| Is influenced by the gender of persons appearing in court |
| All: | 49 | 45 | 5 | 2 |
| Engages in out-of-court conduct or activity which directly interferes with judicial effectiveness |
| All: | 52 | 42 | 4 | 2 |
### All Judges

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<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Is influenced by the religion of persons appearing in court</strong></td>
<td>All:</td>
<td>56</td>
<td>42</td>
<td>1</td>
</tr>
<tr>
<td><strong>Is affected by partisan interests in the conduct of court</strong></td>
<td>All:</td>
<td>51</td>
<td>40</td>
<td>6</td>
</tr>
<tr>
<td><strong>Engages in ex parte communications which may prejudice proceedings</strong></td>
<td>All:</td>
<td>52</td>
<td>42</td>
<td>4</td>
</tr>
<tr>
<td><strong>Lets personal relationships affect his/her judgement</strong></td>
<td>All:</td>
<td>47</td>
<td>42</td>
<td>9</td>
</tr>
<tr>
<td><strong>Is influenced by the race of persons appearing in court</strong></td>
<td>All:</td>
<td>55</td>
<td>42</td>
<td>2</td>
</tr>
</tbody>
</table>

### LEGAL ABILITY

| Renders decisions that reflect sound legal analysis                                   | All:  | 4     | 12    | 50    | 34    |

### OVERALL PERFORMANCE

| Does a good job overall                                                               | All:  | 3     | 10    | 47    | 40    |

### PERFORMANCE - CIVIL CASES

| Does a good job in handling civil cases                                              | All:  | 3     | 9     | 49    | 39    |

### PERFORMANCE - CRIMINAL CASES

| Does a good job in handling criminal cases                                           | All:  | 4     | 10    | 47    | 39    |
PART II

DETAILED RESULTS

This section contains evaluations of the individual members of the judiciary arranged in alphabetical order.

The number of respondents evaluating each judge is listed at the top of each page. The number of respondents rating any particular item may vary from this number. The difference reflects the respondents having no opinion or simply declining to respond.

The top line of data for each item is the percentage of responses in each category for that judge. The second line is the percentage in each category for all judges.
<table>
<thead>
<tr>
<th></th>
<th>Total Responses</th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
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<tbody>
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<tr>
<td>Gives due consideration to arguments of counsel</td>
<td>This Judge: 241</td>
<td>3</td>
<td>5</td>
<td>43</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>All:</td>
<td>3</td>
<td>9</td>
<td>48</td>
<td>40</td>
</tr>
<tr>
<td>Conducts court proceedings courteously</td>
<td>This Judge: 241</td>
<td>2</td>
<td>5</td>
<td>38</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>All:</td>
<td>2</td>
<td>6</td>
<td>45</td>
<td>47</td>
</tr>
<tr>
<td>Pre-determines the outcome of the case</td>
<td>This Judge: 236</td>
<td>41</td>
<td>49</td>
<td>8</td>
<td>3</td>
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<tr>
<td></td>
<td>All:</td>
<td>36</td>
<td>50</td>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>Refrains from interfering with the role of counsel in case presentation</td>
<td>This Judge: 234</td>
<td>2</td>
<td>7</td>
<td>60</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>All:</td>
<td>3</td>
<td>10</td>
<td>56</td>
<td>30</td>
</tr>
<tr>
<td>Conducts court proceedings with objectivity</td>
<td>This Judge: 238</td>
<td>3</td>
<td>7</td>
<td>51</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>All:</td>
<td>3</td>
<td>10</td>
<td>52</td>
<td>35</td>
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<tr>
<td><strong>COURT MANAGEMENT</strong></td>
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<tr>
<td>Conducts court business in a timely manner</td>
<td>This Judge: 237</td>
<td>0</td>
<td>1</td>
<td>59</td>
<td>40</td>
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<tr>
<td></td>
<td>All:</td>
<td>2</td>
<td>4</td>
<td>57</td>
<td>37</td>
</tr>
<tr>
<td>Is usually available for business during normal working hours</td>
<td>This Judge: 214</td>
<td>0</td>
<td>2</td>
<td>60</td>
<td>38</td>
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<tr>
<td></td>
<td>All:</td>
<td>1</td>
<td>2</td>
<td>59</td>
<td>37</td>
</tr>
<tr>
<td>Convenes court punctually</td>
<td>This Judge: 229</td>
<td>0</td>
<td>0</td>
<td>61</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>All:</td>
<td>1</td>
<td>3</td>
<td>59</td>
<td>37</td>
</tr>
<tr>
<td>Is familiar with the file so as to consider issues presented</td>
<td>This Judge: 242</td>
<td>0</td>
<td>2</td>
<td>52</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>All:</td>
<td>1</td>
<td>7</td>
<td>55</td>
<td>37</td>
</tr>
<tr>
<td>Conducts court proceedings with appropriate firmness</td>
<td>This Judge: 239</td>
<td>1</td>
<td>4</td>
<td>59</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>All:</td>
<td>2</td>
<td>6</td>
<td>56</td>
<td>35</td>
</tr>
<tr>
<td><strong>JUDICIAL INTEGRITY</strong></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Is influenced by the gender of persons appearing in court</td>
<td>This Judge: 233</td>
<td>48</td>
<td>47</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>All:</td>
<td>49</td>
<td>45</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Engages in out-of-court conduct or activity which directly interferes with judicial effectiveness</td>
<td>This Judge: 220</td>
<td>56</td>
<td>40</td>
<td>3</td>
<td>1</td>
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<td></td>
<td>All:</td>
<td>52</td>
<td>42</td>
<td>4</td>
<td>2</td>
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</table>
### Judicial Integrity

<table>
<thead>
<tr>
<th></th>
<th>Total Responses</th>
<th>% Strongly Disagree</th>
<th>% Disagree</th>
<th>% Agree</th>
<th>% Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is influenced by the religion of persons appearing in court</td>
<td>This Judge: 223</td>
<td>62</td>
<td>36</td>
<td>0</td>
<td>1</td>
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<tr>
<td></td>
<td>All:</td>
<td>56</td>
<td>42</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Is affected by partisan interests in the conduct of court</td>
<td>This Judge: 225</td>
<td>56</td>
<td>40</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>All:</td>
<td>51</td>
<td>40</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Engages in ex parte communications which may prejudice proceedings</td>
<td>This Judge: 220</td>
<td>56</td>
<td>42</td>
<td>1</td>
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</tr>
<tr>
<td></td>
<td>All:</td>
<td>52</td>
<td>42</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Lets personal relationships affect his/her judgement</td>
<td>This Judge: 222</td>
<td>50</td>
<td>44</td>
<td>4</td>
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<td>All:</td>
<td>47</td>
<td>42</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>Is influenced by the race of persons appearing in court</td>
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<td>62</td>
<td>36</td>
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<td>1</td>
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<td></td>
<td>All:</td>
<td>55</td>
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</table>

### Legal Ability

Renders decisions that reflect sound legal analysis

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<tr>
<th></th>
<th>Total Responses</th>
<th>% Strongly Disagree</th>
<th>% Disagree</th>
<th>% Agree</th>
<th>% Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This Judge: 239</td>
<td>4</td>
<td>7</td>
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<tr>
<td></td>
<td>All:</td>
<td>4</td>
<td>12</td>
<td>50</td>
<td>34</td>
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</tbody>
</table>

### Overall Performance

Does a good job overall

<table>
<thead>
<tr>
<th></th>
<th>Total Responses</th>
<th>% Strongly Disagree</th>
<th>% Disagree</th>
<th>% Agree</th>
<th>% Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This Judge: 240</td>
<td>3</td>
<td>6</td>
<td>45</td>
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<td></td>
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<td>3</td>
<td>10</td>
<td>47</td>
<td>40</td>
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</table>

### Performance - Civil Cases

Does a good job in handling civil cases

<table>
<thead>
<tr>
<th></th>
<th>Total Responses</th>
<th>% Strongly Disagree</th>
<th>% Disagree</th>
<th>% Agree</th>
<th>% Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This Judge: 218</td>
<td>2</td>
<td>6</td>
<td>44</td>
<td>48</td>
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<tr>
<td></td>
<td>All:</td>
<td>3</td>
<td>9</td>
<td>49</td>
<td>39</td>
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</table>

### Performance - Criminal Cases

Does a good job in handling criminal cases

<table>
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<tr>
<th></th>
<th>Total Responses</th>
<th>% Strongly Disagree</th>
<th>% Disagree</th>
<th>% Agree</th>
<th>% Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This Judge: 127</td>
<td>3</td>
<td>13</td>
<td>50</td>
<td>35</td>
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<td></td>
<td>All:</td>
<td>4</td>
<td>10</td>
<td>47</td>
<td>39</td>
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</table>
Denise G. Clayton  
Jefferson Circuit Court

Number of respondents evaluating this judge: 218

<table>
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<tr>
<th>JUDICIAL TEMPERAMENT</th>
<th>Total Responses</th>
<th>% Strongly Disagree</th>
<th>% Disagree</th>
<th>% Agree</th>
<th>% Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gives due consideration to arguments of counsel</td>
<td>This Judge: 210</td>
<td>3</td>
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Coffman
F. Kenneth Conlife
Jefferson Circuit Court

Number of respondents evaluating this judge: 251

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Simpson
### JUDICIAL TEMPERAMENT

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<td>All:   241</td>
<td>1</td>
<td>2</td>
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<tr>
<td>Convenes court punctually</td>
<td>This Judge: 250</td>
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<td>3</td>
<td>54</td>
<td>43</td>
</tr>
<tr>
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<td>All:   250</td>
<td>1</td>
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<tr>
<td>Is familiar with the file so as to consider issues presented</td>
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<td>41</td>
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<tr>
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<td>7</td>
<td>55</td>
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<tr>
<td>Conducts court proceedings with appropriate firmness</td>
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<td>1</td>
<td>4</td>
<td>52</td>
<td>43</td>
</tr>
<tr>
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<td>JUDICIAL INTEGRITY</td>
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<td>Is influenced by the gender of persons appearing in court</td>
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<tr>
<td>Engages in out-of-court conduct or activity which directly interferes with judicial effectiveness</td>
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<td>56</td>
<td>37</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>All:   232</td>
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<td>% Disagree</td>
<td>% Agree</td>
<td>% Strongly Agree</td>
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<td>Is affected by partisan interests in the conduct of court</td>
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<td>Engages in ex parte communications which may prejudice proceedings</td>
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<td>Lets personal relationships affect his/her judgement</td>
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<td>Renders decisions that reflect sound legal analysis</td>
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<th>% Strongly Agree</th>
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<td>Does a good job overall</td>
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<th>PERFORMANCE - CIVIL CASES</th>
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<td>Does a good job in handling civil cases</td>
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<td>Does a good job in handling criminal cases</td>
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