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Confidential evaluations aim to help judges improve

Judges, just like the attorneys who practice in their courtrooms, benefit greatly from feedback on how well they're performing in their jobs. While attorneys typically work closely with their peers and likely undergo regular performance reviews in their law firms, this process is more difficult for judges. Judging tends to be a solitary endeavor.

While there's time for judges to talk and compare notes at the end of the day, for the most part judges work alone in their individual courtrooms while other judges do the same. Of course, judges occasionally get positive or negative feedback from the Appellate Court, but a candid and detailed assessment of how a judge handles his or her courtroom on a day-to-day basis can only come from the attorneys and court staff who share the courtroom with them and can respond to detailed questions on a confidential basis. It's this kind of information that supports professional development for judges.

In March 2011, the Illinois Supreme Court launched a program for mandatory judicial performance evaluation. As stated in Supreme Court Rule 58, "[T]he program is designed for the purpose of achieving excellence in the performance of individual judges and the improvement

of the judiciary as a whole." Since the inception of the program, more than 1,000 Illinois judges have gone through this performance evaluation process.

Under the Supreme Court program, judges are confidentially evaluated by the attorneys who appear before them and the court staff who serve in their courtrooms. The evaluated judges are then required to meet with another judge from outside their own circuit who is a trained facilitator. The evaluated judge and the facilitator will confidentially review the evaluation, process and discuss the information, and work together on strategies to address issues that may be presented by the results.

As the Supreme Court worked with the National Center for State Courts to develop the program, the court compiled a comprehensive electronic questionnaire for the purpose of measuring many specific aspects of judicial performance. Having worked as a facilitator in the program, I can tell you that the questionnaire is far more detailed than any bar association survey.

The questionnaire seeks specific information on the judge's legal ability, impartiality, professionalism, communication and court management skills. Each of these general areas is broken down into an individual section containing



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many specific questions designed to gauge performance on discrete skills using a numerical scale. The questionnaire also allows for comments relating to the judge's performance in each specified area. The final evaluation is compiled with all identifying information about the responding attorneys and court staff removed.

A key part of the Supreme Court's program is the training of the judges who will become evaluation facilitators. Facilitators are active or retired judges with at least six years of experience who have been selected to undergo facilitator training. The judges selected to be facilitators go through a training process

which covers not only how the performance evaluation program operates, but how to best work with the evaluated judges when reviewing the evaluation results, a process which can be delicate and challenging at times (as with performance reviews in any professional setting).

I've served as a facilitator since 2012. Although I was at first concerned about the time commitment and the inherent difficulties of the assignment, looking back over the past 11 years, I have to say that it's been one of the most rewarding experiences of my judicial career. Sometimes, the evaluations provide a lot of positive feedback and little negative. Other evaluations clearly highlight one or more areas that need improvement. Reading the report can be a difficult and humbling experience for some evaluated judges, and their reactions can range from relief to surprise, irritation or even dejection.

As I see it, the interaction between the evaluated judge and the facilitator is really a two-way street, and the best way to help another judge work through a performance issue is to acknowledge that each of us sometimes share the same frustrations, problems and shortcomings while fulfilling our judicial duties.

The important thing is to assess and respond to any criticism you receive in a

positive and productive way. Often, this involves the evaluated judge and the facilitator comparing notes on how the court calls or legal cultures in their respective circuits may be similar or different. It's also important to identify what stressors may affect the judge's performance.

Ultimately, these discussions lead to brainstorming specific solutions for improvement in the identified problem areas. Depending on the

results of the evaluation, these discussions could include strategies for keeping your cool in stressful circumstances, determining when to speed up or slow down while managing a high-volume court call, making sure to clearly state the reasons for a ruling, or dealing with self-represented litigants fairly and effectively.

I have frequently learned quite a bit from the judges I work with in the program, and I often continue to communi-

cate with them after the formal process is completed.

I think the most important takeaway for attorneys reading this article is that they should trust that the evaluated judges take the process very seriously. Although I've seen a wide array of responses to the evaluations from different judges, I can honestly say that judges take the results very seriously and that most of them benefit from the process and develop concrete plans for improving

their performance.

This, of course, is not possible unless attorneys also take the process seriously, and that means taking the time and making the effort to fill out the questionnaire honestly and completely. By responding with your honest input, you'll be doing your part to improve the judiciary and enhance the quality of justice delivered to the public. That's the ultimate goal that both the bench and the bar are focused on achieving.