



CHAMBERS OF
DANIEL J. CROTHERS
JUSTICE

State of North Dakota

SUPREME COURT

Judiciary Standards Committee

20160075

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IN THE OFFICE OF THE
CLERK OF SUPREME COURT
FEBRUARY 24, 2016
STATE OF NORTH DAKOTA

December 15, 2015

Honorable Gerald W. VandeWalle
Chief Justice
North Dakota Supreme Court
600 E. Boulevard, Dept 180
Bismarck, ND 58505-0530

Re: Referral - Bureau of Governmental Affairs Report - Judicial Improvement Program

Dear Chief Justice VandeWalle:

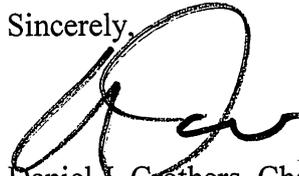
The Judiciary Standards Committee has completed its review of a report and recommendations prepared by the Bureau of Governmental Affairs (BGA) regarding possible improvements to the Judicial Improvement Program. The report and recommendations follow the Committee's earlier review of a Technical Assistance Review of the program by the National Center for State Courts. At that time, the Committee recommended that the State Court Administrator contact BGA, which has implemented the program's surveying process since its inception, for possible assistance in reviewing the program's survey structure and question formulation, possible methods for increasing survey response rates, and other possible process enhancements. The BGA report and recommendations, accompanied by a cover memorandum summarizing the report prepared by Sally Holewa, were referred to the Committee and are attached here for information purposes.

Following its review of the BGA report and recommendations, the Committee concluded the various process enhancements and survey modifications set out in the report and summarized in Ms. Holewa's memorandum would be worthwhile improvements to the program's operation. Likewise, the Committee supports and recommends the proposed amendments to Administrative Rule 48 which are included in the report. The proposed amendments would reflect and support implementation of the program enhancements set out in the report. The Committee does not, however, support or recommend implementation of the pilot project suggested in the report. Committee members were not convinced that the pilot project was necessary to determine whether the program enhancements are worthwhile improvements to the program.

Honorable Gerald W. VandeWalle
December 15, 2015
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If I can be of any assistance in the Supreme Court's consideration of the Committee's conclusions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Grothers". The signature is fluid and cursive, with a large initial "D" and a smaller "G".

Daniel J. Grothers, Chair
Judiciary Standards Committee

DJC/sah
cc: Penny Miller, Clerk of the Supreme Court
Jim Ganje



SALLY HOLEWA
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

SUPREME COURT
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TO: Chief Justice Gerald W. VandeWalle

FROM: Sally Holewa *SH*

RE: Recommendations Regarding North Dakota Judicial Improvement Program

DATE: August 7, 2015

In 2013, the National Center for State Courts provided technical assistance to us to review our Judicial Improvement Program for gender bias. The National Center had several recommendations for change which were referred to the Judiciary Standards Committee for consideration. The Judiciary Standards Committee ultimately recommended that rather than pursue the National Center recommendations, the court instead contract with the Bureau of Governmental Affairs to determine if the Bureau could assist with issues such as survey response rates, construction and format of survey questions, and to make other suggestions for improvements as the Bureau thought necessary. The Bureau was recommended for the review because it has administered the Judicial Improvement Program since its inception in 2004. The Court adopted this recommendation and the Bureau completed the attached report in May 2015.

The Bureau rejected the suggestions of the National Center and recommended no changes to sample population, method of survey delivery, the length of the look-back period for selecting the survey sample, the method of selecting reviewers, and providing specific training to reviewers.

The Bureau is recommending changes as follows:

1. Wording changes to AR 48 to clarify intent and to allow for survey instruments that collect quantitative data as well as qualitative.
2. Changing the court staff survey to allow for quantitative responses to set questions rather than soliciting open-ended qualitative responses to prevent judicial officers from attempting to attach comments to particular court staff.
3. Adding a pre-notification step to the survey process to increase survey response.
4. Including a self-addressed stamped envelope with the survey to increase survey response

August 7, 2015

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5. Providing for additional statistical analysis of survey results by looking for frequency of word use.
6. Adding a pre-notification step to the review process to remind reviewers and judicial officers of the timeline for the project and to increase the timeliness in which the reviews are conducted.
7. Changing the reviewer's report to allow for a narrative summary of the findings, and identification of comments from self-represented as deemed necessary by the BGA, rather than providing all comments as received.
8. Adding a new questionnaire to the review process to solicit feedback on the program from the reviewers and judicial officers.
9. Increasing awareness of the program among attorneys and court staff to increase participation rates.
10. Conducting a short pilot project of any changes to survey forms or process to determine if the changes will be effective if implemented statewide.

The attached report and draft amendments to AR 48 have not been sent to the Judiciary Standards Committee.

Attachments

Administrative Rule 48 - NORTH DAKOTA JUDICIAL IMPROVEMENT PROGRAM

SECTION 1. POLICY.

The North Dakota Judicial System policy is to promote the self-improvement of judicial officers by establishing a mandatory judicial improvement program that assists each judicial officer in improving judicial performance and conduct in order to enhance the effective and efficient performance of judicial duties.

SECTION 2. APPLICATION.

This rule applies to all judicial officers. For purposes of this Rule, "judicial officer" means justices of the Supreme Court, judges of the District Court, and judicial referees. This rule does not apply to surrogate judges or judges of the municipal courts.

SECTION 3. IMPLEMENTATION.

A. Except for the compiling and summarizing of survey results, the judicial improvement program will be managed by trial court administrative personnel designated by the presiding judge in each judicial district with respect to surveys regarding district court judges and judicial referees, and by personnel designated by the Chief Justice with respect to surveys regarding justices of the Supreme Court.

B. Approved forms must be used throughout the state as the minimum survey document to provide comments to the individual judge judicial officer. ~~A judicial officer may add additional questions to the survey concerning the judicial officer. The Judiciary Standards Committee will maintain a list of additional questions as a resource. The forms may be modified periodically, but all questions, except those concerning the number of times a person has had contact with the subject judicial officer, must.~~ Survey instruments may elicit both qualitative, non-numerical and quantitative, numerical responses.

C. Lists of attorneys, self-represented litigants, and court personnel ~~to be surveyed may~~ will be generated from judicial case management systems by personnel designated under Section 3A. ~~Judicial officers are urged to maintain a list of attorneys appearing before them and court personnel working with them prior to the survey period, so as to reduce the burden of generating such a list by trial court personnel. The lists should include as many attorneys, self-represented litigants, and court personnel appearing before or working with the judicial officer in the 12 months immediately preceding the survey as possible. The time period may be shortened in areas with high numbers of appearances.~~

D. Surveys must be mailed to the survey respondents by personnel designated under Section 3A. The subject of the survey must not receive or see the completed survey document. The subject judicial officer shall select another judicial officer or other person, or both, who will review the survey results with the judicial officer. The subject judicial officer shall provide the name of the

reviewer to personnel designated under Section 3A, who shall notify the entity identified in Section 3E.

E. The Supreme Court shall contract with an independent entity for purposes of receiving and summarizing survey information, and transmitting survey summaries to reviewers. All survey responses must be sent to the entity in an pre-posted envelope provided for that purpose. Upon receiving the survey results, the entity shall summarize the responses and provide a summary narrative and statistical summaries to the reviewer selected by the subject judicial officer. The summary summaries should separately reflect information provided by attorneys and self-represented litigants and by court personnel unless, based on the number of responses, segregating the information may result in identification of survey respondents.

F. Upon receiving the survey summary, the reviewer shall review the information with the subject judicial officer and make recommendations to aid in improving judicial performance.

SECTION 4. FREQUENCY OF SURVEYS.

Judicial improvement surveys must be conducted within two years following the election of the subject judicial officer unless the judicial officer is a referee, in which case the surveys must be conducted during each four year period following the referee's appointment. Only one survey for each judicial officer is required during each term of office, or four year period, but a judicial officer may elect to have surveys conducted more frequently.

SECTION 5. CONFIDENTIALITY—DISPOSITION OF SURVEY RESULTS.

Survey results, summaries, and any reports are confidential and shall not be disclosed except as provided in this rule. The subject judicial officer shall not publicly disclose information resulting from the review conducted under Section 3F. The reviewer shall not disclose survey summary information to anyone other than the survey subject. Following completion of each survey process, the reviewer shall return the summary information to the entity described in Section 3E. After the return of the survey summary, the entity shall immediately destroy the summary, along with any related survey information. The entity shall not retain any survey information concerning a subject judicial officer after completion of the survey process.

This rule is amended effective March 1, 2005.

Dated at Bismarck, North Dakota, December 8, 2004.

Gerald W. VandeWalle, Chief Justice
William A. Neumann, Justice
Dale V. Sandstrom, Justice
Mary Muehlen Maring, Justice
Carol Ronning Kapsner, Justice

ATTEST:
Penny Miller, Clerk

North Dakota Judicial Improvement Program Review & Recommendations

Katheryne M. Korom & Robert S. Wood
May 2015

The Bureau of Governmental Affairs (BGA) has been contracted by the North Dakota Court System to provide a written report reviewing the North Dakota Judicial Improvement Program. Our review includes an assessment of key issues and recommends changes that offer improvements to the current survey processes and instruments. The BGA has been responsible for receiving and summarizing Judicial Improvement Surveys in accordance with Supreme Court Administrative Rule 48 since 2004. Surveys have been conducted in 2004, 2006, 2009, 2010, 2012, and 2014. No significant changes to the survey process or instruments have been made since the start of the program in 2004.

The objective of this report is to provide recommendations intended to increase response rates, address potential issues of bias, and create processes consistent with generating informative judicial improvement reports. Survey results are designed to assist each subject judicial officer in improving their judicial performance and conduct in order to enhance the effective and efficient performance of judicial duties. Recommendations have also been made to improve the effectiveness of reviewer meetings and to gather feedback from participating reviewers and subject judicial officers.

An emerging issue in the field of judicial performance evaluation concerns the presence of unintended or implicit bias based on gender or racial stereotypes in judicial evaluation surveys. Of particular concern for these scholars are survey instruments that implicitly reinforce these stereotypes by asking questions that emphasize particular characteristics that are culturally associated with a particular race or gender. These are of greatest concern in surveys where respondents are asked to quantitatively rate judges on these characteristics, an approach that has not been part of the Judicial Improvement Program in North Dakota. The potential for implicit bias is less pronounced, but can still be present in narrative-style instruments as well.

To address the potential for bias, this report recommends a number of changes to both the process and instruments used in the North Dakota Judicial Improvement Survey based on current best practices relating to gender and ethnicity bias in judicial performance evaluation. These changes include improvements in the data collection process to increase response rates and changes in both instructions and question wording to emphasize evaluation on specific observed behaviors rather than abstract characteristics that might be subconsciously associated with a biased stereotype. We recommend a pilot study to test these changes in a limited context, followed by evaluation and analysis prior to widespread implementation.

Issue: North Dakota Supreme Court Administrative Rule 48.

Recommendations for Rule 48 Section 3(B):

Current Rule 48 Section 3(B): Approved forms must be used throughout the state as the minimum survey document to provide comments to the individual judge. A judicial officer may add additional questions to the survey concerning the judicial officer. The Judiciary Standards Committee will maintain a list of additional questions as a resource. The forms may be modified periodically, but all questions, except those concerning the number of times a person has had contact with the subject judicial officer, must elicit qualitative, non-numerical responses.

Recommended Changes in bold to Rule 48 Section 3(B): Approved forms must be used throughout the state as the minimum survey document to provide comments to the individual **judicial officer**. The forms may be modified periodically. **Survey instruments may elicit both qualitative, non-numerical and quantitative, numerical responses.**

Recommendations for Rule 48 Section 3(C):

Current Rule 48 Section 3(C): Lists of attorneys and court personnel to be surveyed may be generated by personnel designated under Section 3A. Judicial officers are urged to maintain a list of attorneys appearing before them and court personnel working with them prior to the survey period, so as to reduce the burden of generating such a list by trial court personnel. The list should include as many attorneys and court personnel appearing before or working with the judicial officer in the 12 months immediately preceding the survey as possible. The time period may be shortened in areas with high numbers of appearances.

Recommended Changes in bold to Rule 48 Section 3(C): Lists of attorneys, **self-represented litigants, and court personnel will be generated from judicial case managements systems**. The **lists** should include as many attorneys, **self-represented litigants**, and court personnel appearing before or working with the judicial officer in the 12 months immediately preceding the survey as possible. The time period may be shortened in areas with high numbers of appearances.

Recommendations for Rule 48 Section 3(E):

Current Rule 48 Section 3(E): The Supreme Court shall contract with an independent entity for purposes of receiving and summarizing survey information, and transmitting survey summaries to reviewers. All survey responses must be sent to the entity in an envelope provided for that

purpose. Upon receiving the survey results, the entity shall summarize the responses and provide a summary to the reviewer selected by the subject judicial officer. The summary should separately reflect information provided by attorneys and by court personnel unless, based on the number of responses, segregating the information may result in identification of survey respondents.

Recommended Changes in bold to Rule 48 Section 3(E): The Supreme Court shall contract with an independent entity for purposes of receiving and summarizing survey information, and transmitting survey summaries to reviewers. All survey responses must be sent to the entity in a **pre-posted** envelope provided for that purpose. Upon receiving the survey results, the entity shall summarize the responses and provide **narrative and statistical summaries** to the reviewer selected by the subject judicial officer. The summaries should separately reflect information provided by attorneys and **self-represented litigants** and by court personnel unless, based on the number of responses, segregating the information may result in identification of survey respondents.

Issue: Populations sampled/targeted audience for surveys.

Recommendations:

The best populations to sample regarding judicial performance are attorneys, self-represented litigants, and court staff. Their personal experiences with the judicial officer provide insightful observations on the individual judicial officer's professional strengths and weaknesses. Additional populations may be added to the sample, but we do not believe this is a cost-effective technique to acquire additional performance data. The most valuable feedback regarding judicial performance is obtained from the current sampled populations.

Issue: Optimal range for number of surveys to distribute.

Recommendations:

The targeted audience for the litigant survey should include attorneys and self-represented litigants who have appeared before the subject referee in the 12 months preceding the survey. This has been the standard used for the past three surveys, which has resulted in an acceptable number of responses to compile a confidential, informative report. Extending the time period used to pull a sample may decrease response rates due to the increased length of time from when the respondent appears before the subject judicial officer and actually completes the survey. At this time we believe that it is more important to adhere to the 12-month window preceding the survey period, than set a targeted number of surveys to distribute. Table 1 outlines the total number of surveys distributed in the last three survey periods for litigants and court staff.

Table 1. Total Surveys Distributed

Year	Litigant	Court Staff
2010	3515	850
2012	3127	660
2014	3328	684

Issue: Optimal method of delivering surveys.

Recommendations:

Research shows that e-mail survey mode generally has considerably lower response rates (about 20% lower on the average) than mail survey mode (Shih & Fan, 2009). Researchers suspect that the consistently lower response rate in e-mail surveys compared to that of mail surveys may partially be the result of prevalent junk/spam e-mails (Shih & Fan, 2009). Based on these data and the confidential nature of this survey we believe that the best mode of delivery for the Judicial Improvement survey is mail.

Issue: Survey process.

Recommendations:

The current survey process includes the following steps:

- Court staff mails out survey instruments to attorneys, self-represented litigants, and court staff.
- Bureau of Governmental Affairs (Bureau) collects completed surveys and compiles reports.
- Notification letters are mailed informing reviewers they will receive their assigned judicial officer's Judicial Improvement report in one week.
- Reports and cover letters are mailed to reviewers.
- Reports are returned to the Bureau and destroyed.

The proposed survey process includes the following steps:

- Court staff mails out survey prenotification postcards to litigants and self-represented litigants 7 – 10 days prior to mailing survey forms (Appendix A). An email notifying court staff of their opportunity to participate in the judicial improvement process is sent 7 – 10 days prior to their receipt of surveys.
- Court staff mails out survey instruments to attorneys, self-represented litigants, and court staff (Appendices B, C, D, & E).
- Bureau collects completed surveys and compiles reports.

- Notification letters are mailed informing reviewers they will receive their assigned judicial officer's Judicial Improvement report in one week. Letters will also outline the schedule for reviewing and returning reports to the Bureau (Appendix F).
- Reports, cover letters, and questionnaires are mailed to reviewers. Each participating judicial officer and reviewer will be asked to complete a brief questionnaire on their experience with the Judicial Improvement Program (Appendices G, H & I)
- Reports are returned to the Bureau and destroyed.

The proposed survey process includes one prenotification postcard to attorneys and self-represented litigants. At this time, we do not believe that additional reminder notifications are a cost-effective method to achieve a significant increase in response rates. However, during the proposed pilot study we will add a postcard to one subject's survey process notifying attorneys and self-represented litigants of the survey return deadline to test the effectiveness of this technique.

Issue: Process for pulling litigant survey samples from the court database.

Recommendations:

Past survey samples have been pulled from the court database from the 12 months prior to the survey period. Litigant samples include both attorneys and self-represented litigants. We recommend that survey samples continue to include both attorneys and self-represented litigants appearing before the judicial officer in the 12 months prior to the survey period.

A review of the 2014 litigant sample pulled from the court database indicated the sample was comprised of approximately 2600 attorneys and 530 self-represented litigants. Jeff Stillwell, Programmer Analyst for the North Dakota Court System, stated this seems to be a high number for self-represented litigants. Upon further investigation, he found that some of the cases had both a self-represented litigant and an attorney listed for a case. It appears as if most of the individuals were marked as self-represented early in the case and later added an attorney. However, the clerk possibly did not "unmark" the self-represented portion at that point. Jeff stated that of the 25 cases he looked at, about 20 of them fit this scenario. In order to effectively analyze response rates for self-represented litigants and attorneys, we recommend that clerks accurately mark cases as either self-represented litigant or attorney.

The Bureau has received numerous surveys indicating the respondent has not appeared before the subject judicial officer in a number of years, is retired, or deceased. Jeff Stillwell stated this may occur due to errors in the database. We recommend deceased, disbarred, or suspended

attorneys be removed from cases. These changes will result in increased accuracy of response rate calculations.

Issue: Litigant surveys.

Recommendations:

We believe the litigant survey questions are written in a positive, rather than leading tone, and do not recommend significant changes to the wording or content of questions currently used on the survey instrument. Results of past surveys show that the current survey instrument prompts respondents to recall personal experiences with the subject judicial officer. Respondents' comments on surveys have included both positive and negative statements on the subject judicial officer's performance. The open-ended question format allows respondents the freedom to reflect and comment on first-hand observations and experiences with the subject judicial officer. Open-ended questions also provide an opportunity for respondents to comment on issues not included in the survey, but are significant in reviewing the subject judicial officer's strengths and weaknesses. Changing the format to numerical, closed-ended questions may result in respondents simply checking boxes. Past reports show that the current survey instrument results in personal, subject-specific comments on the individual judicial officer's unique set of professional strengths and weaknesses, thus providing a greater opportunity for individual professional development. We have, however, made a few changes to the litigant survey. We have added the following statement: Research has shown that people make better and more accurate performance evaluations when they take a few minutes to think about specific behaviors they have seen the person engage in rather than simply relying on their general impressions of the person. Please take a few moments to recall some positive and negative behaviors you have seen *Judge X* exhibit. This statement should encourage respondents to reflect on personal experiences with the subject judicial officer. We have also inserted the subject judicial officer's name into each question. Numerous respondents fill out more than one survey for various participating judicial officers and having the subject's name before them in each question will help focus on the particular subject judicial officer's review.

It appears that a limited number of self-represented litigants respond to the Judicial Improvement survey. Due to the apparently small sample size, it is recommended that attorney and self-represented litigant responses are combined in one report in order to maintain the confidentiality of self-represented litigants. Feedback from self-represented litigants provides a valuable perspective on their experience with the subject judicial officer. However, it may be beneficial in some situations for researchers writing the cumulative narrative summaries to indicate that the comments appear to be made by self-represented

litigants. Often times negative comments appear to be made by self-represented litigants when a judicial officer has not ruled in their favor.

Issue: Litigant response rates.

Recommendations:

A study using 35 e-mail and mail comparison results found the unweighted average response rate of mail surveys was higher than that of e-mail surveys by around 20% (53% for mail survey and 33% for e-mail survey) (Shih & Fan, 2009). Based on this information and additional studies stating response rates vary according to subject studied and technique used, we believe the best method of achieving acceptable response rates is by utilizing mail-mode (Flanigan, McFarlane, & Cook, 2008). High survey response rates are typically achieved by tracking surveys and using techniques such as telephone reminders, e-mail reminders, and numerous mail reminders. Due to the confidential nature of this survey we do not recommend tracking survey instruments. Tracking survey instruments may result in skewed response data. Respondents may be hesitant to share negative comments for fear of professional repercussions. Survey tracking may result in responses consisting mainly of positive observations and experiences with the subject judicial officer by respondents. However, additional survey techniques may be utilized to increase current response rates. Further response rate details for 2010, 2012, and 2014 can be found in Appendices J, K, and L.

Table 2. Litigant Survey Response Rates

Year	Response Rate	Change
2010	0.212	----
2012	0.237	+12%
2014	0.190	-20%

We believe that past response rates are in acceptable ranges, but are concerned with the 20% decline in response rates from 2012 to 2014. Techniques to increase response rates may include the following: prenotification postcard, creating a letter of project endorsement, changing the survey period from summer to fall, and use of postage stamps instead of metered or business reply envelopes.

A prenotification postcard has been developed to increase response rates (Appendix A). The postcard has been written with an invitational tone. The postcard uses both the University of North Dakota (UND) logo and the state seal of North Dakota. Since the law school is located at UND, we assume that a significant percentage of attorneys in the Judicial Improvement sample are UND alumni. In order to encourage participation the UND logo is used with the Bureau

return address to encourage review of the invitation to participate in the survey process and prompt alumni and others to respond to the survey. The prenotification postcard should be sent 7 – 10 days prior to mailing survey instruments.

Letters of endorsement have been an effective technique in increasing response rates. We recommend the addition of a letter of project endorsement in the initial mailing to attorneys, self-represented litigants, and court staff. A letter of endorsement from a judicial officer or court administrator, such as Chief Justice Gerald VandeWalle or State Court Administrator Sally Holewa, may be written communicating their support of the Judicial Improvement Program. The letter should be written as a personal invitation to potential respondents encouraging their participation in the process. The letter should also emphasize that completing the survey provides a valuable opportunity for respondents to participate in the court improvement process.

Response rates may be increased by changing the project timeline to fall. We saw an increase in the timely receipt of reports from reviewers in 2012 when the report return date was moved from August to September. Due to the fact that a significant number of employees take vacation during the current survey period, we recommend that the survey process be conducted from August to October.

The following table outlines the time frames in which the Judicial Improvement surveys were conducted:

Table 3. Project Timelines

Year	Survey Period	Surveys Due	Reviewer Mtg.	Report Return
2006	May 1 to May 23	June 30	July 21	July 28
2008	June 2 to June 27	July 31	August 22	August 29
2010	May 7 to May 27	July 31	August 20	August 27
2012	June 11 to July 6	August 14	August 30	September 6
2014	June 18 to July 6	August 15	August 28	September 4

Lastly, the use of postage stamps has been found to increase response rates. Research has shown that the use of stamps can be effective compared to metered or business reply envelopes for return mail (Flanigan, McFarlane, & Cook, 2008).

Issue: Court staff surveys.

Recommendations:

The court staff survey instrument has been rewritten to a predominately empirical format. Past surveys have shown evidence of response tracking on returned reports and gathering data in an empirical method will provide a greater level of confidentiality for respondents. Incorporating a structured free-recall (SFR) component into surveys, calling on respondents to a memory-based task before beginning the actual survey, has been an effective technique in minimizing potential respondent biases (Knowlton & Reddick, 2012). Because empirical-based surveys can be affected by bias an SFR task has been included. The SFR task prompts respondents to recall personal first-hand interactions with the judicial officer before beginning the empirical portion of the survey. The SFR task is on the first page of the revised court staff survey and is comprised of two open-ended components. The first section asks respondents to recall one to three positive experiences with the judicial officer. The second section asks respondents to recall one to three negative experiences with the judicial officer. Respondents make better and more accurate performance evaluations when they take a few minutes to think about specific behaviors they have seen the person they are evaluating engage in, rather than simply relying on their general impressions of the person (Knowlton & Reddick, 2012). The second page of the court staff survey is comprised of three quantitative components and two qualitative components. First, respondents are asked how frequently they have come in contact with the judicial officer they are evaluating. Second, the respondent is asked to evaluate their relationship with court staff by answering ten closed-ended questions. These questions were developed from a previous study of the 2014 Judicial Improvement Survey results. The questions address issues that were most frequently cited by 2014 court staff respondents. Next, respondents are given an opportunity to provide additional feedback on the issue of the judicial officer's relationship with court staff in an open-ended section. Third, the respondents are asked to evaluate the judicial officer's administrative performance by answering ten closed-ended questions. These questions were developed from a previous study of the 2014 Judicial Improvement Survey results. Respondents are also given an opportunity to provide additional feedback on the issue of the judicial officer's administrative performance in an open-ended section. Finally, a closed-ended question asks the respondent to rate the overall performance of the judicial officer on a five-point scale: (1) Very Poor, (2) Poor, (3) Fair, (4) Good, (5) Very Good. The quantitative elements provide judicial officer's with specific feedback on past issues without jeopardizing confidentiality. Quantitative data will also begin to allow us to run statistical analysis across judicial officers to test for the presence of bias.

Table 4. Court Staff Response Rates

Year	Response Rate	Change
2010	0.455	---
2012	0.397	-13%
2014	0.413	+4%

***Issue:* Court staff response rates.**

Recommendations:

Response rates for the 2014 Judicial Improvement Survey were 41.3% for court staff (Table 4), which is an excellent return. However, during each survey the Bureau has received a significant number of surveys from court staff indicating they have not had enough contact with the subject judicial officer to complete the survey. Many additional court staff surveys may be discarded by court staff for the same reason. In order to compensate for this issue, the revised cover letter states, "If you feel you do not have significant contact with this judge to complete the survey, please return the blank survey in the enclosed enveloped." Receipt of these uncompleted surveys should result in a slight increase in court staff response rates. Increased responses may also result by reminding court staff to return surveys during staff meetings, emailing a survey notification to all court staff 7 - 10 days prior to receipt of surveys, and sending an email reminder to staff 7 days prior to the survey return deadline. Further response rate details for 2010, 2012, and 2014 can be found in Appendices J, K, and L.

***Issue:* Reviewer and Participant Report Components**

Recommendations:

Past reports have included: the executive summary, a copy of Rule 48, a copy of the survey instruments provided to litigants and court personnel, a copy of the cover letters provided to the same, and the compiled qualitative survey responses separated by litigants and court personnel.

The proposed report components include the following:

- Executive Summary (Appendix G)
- Narrative Summary of Qualitative Results
- Statistical Summary of Quantitative Results
- Reviewer Questionnaire (Appendix H)
- Judicial Officer Questionnaire (Appendix I)
- Self-addressed/Stamped Return Envelope

Brief questionnaires have been developed to encourage thoughtful review of reports by reviewers and judicial officers. These questionnaires will provide a valuable source of information on their experience with the North Dakota Judicial Improvement Program. Questionnaires will also gather additional feedback from reviewers and judicial officers on how the North Dakota Judicial Improvement Program can be improved.

Responses to reviewer and judicial officer questionnaires will be held in strict confidence. Names will not appear on the questionnaires. Qualitative data will be written in narrative summaries for both reviewers and judicial officers. Quantitative data will be entered in SPSS and statistical reports run for both reviewers and judicial officers. The final report will be sent to the State Court Administrator. Individual questionnaires will be destroyed by the Bureau.

Issue: Method for reporting results.

Recommendations:

In the past, Bureau personnel entered the written responses to survey questions and were instructed to strictly adhere to what was written on the surveys, unless details would compromise the confidentiality of the individual respondent. In these situations, the managing research associate would re-write the response in more general terms. The response to individual questions were provided in randomized order within that question to ensure the confidentiality of respondents; i.e. the first respondent's answer to the first question was not the first respondent's answer to the next question. The first question of each survey asked respondents about their frequency of interaction with the subject judicial officer. The Bureau recorded a respondent answer to each of the three separate time categories for this section even though they were fairly mutually exclusive. Furthermore, because of the randomization of survey responses within each question and the number of responses, the Bureau concluded that court staff and litigant survey responses could be provided separately without compromising the confidentiality of the respondents.

We recommend that the current format for reporting results for the litigant survey be changed. Narrative summaries will be written by Bureau staff for each open-ended question. An SPSS statistical spreadsheet will be run for the closed-ended question asking litigants how frequently they have contact with the subject judicial officer. In past surveys we have received reports from reviewers and judicial officers indicating an effort to track respondent responses in reports. Changing the reporting results to a narrative summary will help avoid this issue and better maintain the confidentiality of individual respondents. We also suggest that the compilation results from the open-ended results be downloaded into word count and frequency statistics software. This will give us an opportunity to statistically analyze key adjective and phrases for each subject judicial officer. The results can then be analyzed across all participating judicial officers to give key insight into potential bias concerns.

Issue: Training and use of reviewers.

Recommendations:

Judicial Improvement survey results for litigant and court staff will consist of summaries of qualitative and quantitative data. Qualitative responses will be written in narrative summaries. Quantitative results will be entered in SPSS and tabulations run. SPSS results will be entered in tables outlining frequencies for each numerical response. Report results will be easy to analyze and interpret. We do not believe that extensive training is necessary to review these results. We do, however, want to provide an opportunity for reviewers and judicial officers to provide feedback and have developed brief questionnaires to gain a better understanding of their experience with this process.

Brief questionnaires will gather data on reviewers' and judicial officers' opinions of the overall Judicial Improvement Program and reports details. Both reviewers and judicial officers will be asked to rate their level of satisfaction with the following elements of the Judicial Improvement report on five-point scale: (1) Very Satisfied, (2) Satisfied, (3) Neutral, (4) Somewhat Dissatisfied, (5) Very Dissatisfied – in eight areas, including: information provided in the Executive Summary, court staff survey questions, court staff survey length, litigant survey questions, litigant survey length, narrative report format, statistical report format, and time frame provided for report return. They will be asked if they have additional suggestions for improving the Judicial Improvement report. Reviewers and judicial officers will be asked to rate their overall satisfaction with the Judicial Improvement Program on a five-point scale: (1) Very Satisfied, (2) Satisfied, (3) Neutral, (4) Somewhat Dissatisfied, (5) Very Dissatisfied. They will be asked if they have any additional suggestions for improving the Judicial Improvement Program. Reviewers will be asked if they would like to receive additional training the current Judicial Improvement process. Judicial officers will be asked to rate on a five-point scale: (1) Very Satisfied, (2) Satisfied, (3) Neutral, (4) Somewhat Dissatisfied, (5) Very Dissatisfied - whether the Judicial Improvement Program facilitates judicial professional development. Both reviewers and judicial officers will be encouraged to provide additional comments on the back of the survey form (Appendices H & I)

Allowing participants to select their own reviewer facilitates program buy-in among judicial officers. Judicial officers are able to discuss the results of their reports with reviewers they know and trust. This process provides a better opportunity to discuss strategies for professional growth and development.

Issue: Increasing program awareness.

Recommendations:

Strategies to increase awareness of the Judicial Improvement Program among attorneys and court staff should be developed. Communications should emphasize the opportunity to be a part of judicial improvement by returning completed judicial improvement surveys. Consider running informative articles through the North Dakota Bar Association or court correspondence with attorneys and staff. An informational booth or session may also be sponsored during state conventions.

Issue: Pilot Study

Recommendations:

In order to effectively evaluate the proposed changes in this study, we recommend a pilot study be conducted. The study will include two judicial officials. We recommend Judge Sonna Anderson and Judge Steven Marquart. Judge S. Anderson and Judge S. Marquart had the highest number of surveys returned during the 2012 survey period; however, these judges did not have the highest response rates. These two factors will provide an opportunity to test new survey instruments and strategies designed to increase response rates. Table 5 outlines the process and variables tested in the pilot study. The survey period will be September 1 to September 25, 2015. Reports will be mailed to reviewers on or before October 9, 2015. Reviewers and judicial officers will be asked to meet to review the results of the summarized surveys and complete enclosed questionnaires no later than October 23, 2015. The reviewers will be asked to return the report and questionnaires to the Bureau in a postage-paid enclosed envelope marked confidential by October 30, 2015 for destruction by the Bureau. The results of this study will be reported to the State Court Administrator on or before November 30, 2015. The Bureau cost estimate for this project is \$1,950.00, not including indirect charges.

**Table 5
Pilot Study**

Judge Sonna Anderson	Judge Steven Marquart
Survey sample is pulled from 12 months preceding survey.	Survey sample is pulled from 18 months preceding survey.
Court staff mails out survey prenotification postcards to attorneys and self-represented litigants 7 – 10 days prior to mailing survey forms (Appendix A). An email notifying court staff of their opportunity to participate in the judicial improvement process is sent 7 – 10 days prior to their receipt of surveys.	Court staff mails out survey prenotification postcards to attorneys and self-represented litigants 7 – 10 days prior to mailing survey forms (Appendix A). An email notifying court staff of their opportunity to participate in the judicial improvement process is sent 7 – 10 days prior to their receipt of surveys.
Court staff mails out survey instruments to attorneys, self-represented litigants, and court staff (Appendices B, C, D, & E). Survey instruments are marked Litigant and Attorney in order to analyze response rates for each group.	Court staff mails out survey instruments to attorneys, self-represented litigants, and court staff (Appendices B, C, D, & E). Survey instruments are marked Litigant and Attorney in order to analyze response rates for each group.
Court staff mails out survey reminder postcard to attorneys, self-represented litigants, and court staff.	No survey reminder postcards are sent.
Bureau collects completed surveys and compiles reports.	Bureau collects completed surveys and compiles reports.
Notification letters are mailed informing reviewers they will receive their assigned judicial officer's Judicial Improvement report in one week. Letters will also outline the schedule for reviewing and returning reports to the Bureau (Appendix F).	Notification letters are mailed informing reviewers they will receive their assigned judicial officer's Judicial Improvement report in one week. Letters will also outline the schedule for reviewing and returning reports to the Bureau (Appendix F).
Reports, cover letters, and questionnaires are mailed to reviewers. Each participating judicial officer and reviewer will be asked to complete a brief questionnaire on their experience with the Judicial Improvement Program (Appendices G, H, & I).	Reports, cover letters, and questionnaires are mailed to reviewers. Each participating judicial officer and reviewer will be asked to complete a brief questionnaire on their experience with the Judicial Improvement Program (Appendices G, H, & I).
Reports are returned to the Bureau and destroyed.	Reports are returned to the Bureau and destroyed.

This report contains key areas of consideration and changes for the North Dakota Judicial Improvement survey process. The process and survey instruments should be reviewed as a whole in the Executive Summary provided to the Court Administrator at the end of each survey period.

References

Flanigan, TS, McFarlane, E, and Cook, S (2008). Conducting Survey Research among Physicians and other Medical Professionals – A Review of Current Literature. *Section on Survey Research Methods – American Association for Public Opinion Research*, 1 – 12.

Knowlton, N, and Reddick, M (2012). Leveling the Playing Field: Gender, Ethnicity, and Judicial Performance Evaluation. Institute for the Advancement of the American Legal System, University of Denver, 1 – 61.

Shih, T, and Fan, X (2009). Comparing response rates in e-mail and paper surveys: A meta-analysis. *Educational Research Review*, 4, 26 – 40.

Appendix A

**UNIVERSITY OF
UND NORTH DAKOTA.**
BUREAU OF GOVERNMENTAL AFFAIRS

Gamble Hall, Room 160
293 Centennial Drive, Stop 7167
Grand Forks, ND 58202-7167

The University of North Dakota Bureau of Governmental Affairs in coordination with the North Dakota Supreme Court requests your participation in the 2015 Judicial Improvement Program. In approximately one week, you will receive a brief survey for judicial officials you have appeared before in the last 12 months.

Your participation is confidential and return of completed surveys is greatly appreciated.

Thank you.



Appendix B

Judicial Improvement Program

North Dakota Supreme Court
600 E Boulevard Ave Mail Stop 180
Bismarck ND 58505-0530
Phone: (701) 328-4216
Fax: (701) 328-2092

June 18, 2014

«First_Name» «Last_Name»

«Address»

«City_State__Zip»

RE: Judicial Improvement Survey

Dear Litigant:

Each of our judges periodically participates in a survey through the North Dakota Judicial Improvement Program. The purpose of the survey is to assist the judge in learning what the judge can do to improve job performance as a district judge. The attached survey is being sent to attorneys and pro se litigants who have appeared before the judge. We are requesting your assistance in completing the attached survey and providing your honest appraisal of the judge in the following areas:

- **Judicial Legal Ability.** This includes knowledge and application of the relevant substantive law, rules of procedure, and rules of evidence; the ability to identify and analyze the relevant issues; giving reasons for evidentiary rulings, when necessary; and clarity and completeness of the judge's decisions.
- **Judicial Management Skills.** This includes punctuality; moving proceedings in an appropriately expeditious manner, rendering evidentiary rulings during trial without unnecessary delay; being prepared for the case; issuing timely decisions; following a time schedule; giving reasons for any delays, scheduling cases appropriately; making appropriate scheduling demands on counsel and pro se litigants; effectively narrowing issues in dispute; maintaining appropriate control over proceedings, creativity in resolving problems that arise during proceedings; appropriateness of ex parte contacts; fairness in sentencing; skill and effectiveness in initiating and handling settlement conferences.
- **Judicial Demeanor.** This includes attentiveness during proceedings; courteousness; open-mindedness; patience; decisiveness; work habits; professional manner on the bench; communications with jurors; consideration of and responsiveness to the needs of jurors.
- **Judicial Fairness.** This includes bias or prejudice toward participants based on race, sex, ethnicity, religion, social class, or other factors; integrity; even-handedness.

In answering, please **do not** mention any particular case or use examples that will identify you.

Your responses will be held in strict confidence. Your name does not and will not appear on this questionnaire. The judge will not see the returned survey, but will be given a summary of the results. All surveys and results will be destroyed at the end of the process.

Please mail your completed survey to the Bureau of Governmental Affairs in the enclosed envelope by July 2, 2014. Thank you for taking the time and effort to assist in the judicial improvement process.

Attachment

Appendix C

Judicial Improvement Survey

Survey Subject: Judge X

How frequently do you have contact with *Judge X*?

_____ times weekly

_____ times monthly

_____ times yearly

Research has shown that people make better and more accurate performance evaluations when they take a few minutes to think about specific behaviors they have seen the person engage in rather than simply relying on their general impressions of the person. Please take a few moments to recall some positive and negative behaviors you have seen *Judge X* exhibit.

1. What are the strengths of *Judge X's* judicial legal ability?

2. What would you recommend *Judge X* do to improve their judicial legal ability?

3. What are the strengths of *Judge X's* judicial management skills?

4. What would you recommend *Judge X* do to improve their judicial management skills?

5. What are the strengths of *Judge X's* judicial demeanor?

6. What would you recommend *Judge X* do to improve their judicial demeanor?

7. What are the strengths of *Judge X's* judicial fairness?

8. What would you recommend *Judge X* do to improve their judicial fairness?

9. Has *Judge X* exhibited any bias based on race, religion, age, or sex? If yes, are there general examples you can give?

10. Other comments. (Please use the back of this form for additional comments.)

Appendix D

Judicial Improvement Program

North Dakota Supreme Court
600 E Boulevard Ave Mailstop 180
Bismarck ND 58505-0530
Phone: (701) 328-2689
Fax: (701) 328-2092

Date

Judicial Improvement Survey

Dear-Court Staff:

Each of our judges periodically participates in a survey through the North Dakota Judicial Improvement Program. The purpose of the survey is to assist the judge in learning what the judge can do to improve job performance as a district judge. The attached survey is being sent out to court staff who have worked with the judge. We are requesting your assistance in completing the attached survey and providing your honest appraisal of the judge on the following two dimensions of judicial performance:

- * **Relationship with Court Staff.** This includes treating all staff with respect; remaining approachable; promoting a team atmosphere; acting in a professional manner.
- * **Administrative Performance.** This includes effective time management skills; judicial fairness; communication skills.

In answering, please ***do not*** mention any particular case or use examples that will identify you.

Your responses will be held in strict confidence. Your name does not and will not appear on this questionnaire. The judge will not see the returned survey, but will be given a statistical and narrative summary of the results. All surveys and results will be destroyed at the end of the process.

Please mail your completed survey to the Bureau of Governmental Affairs in the enclosed envelope by [date]. Thank you for taking the time and effort to assist in the judicial improvement process. *If you feel you do not have significant contact with this judge to complete the survey, please return the blank survey in the enclosed envelope.*

Attachment

Appendix E

Survey Subject: _____

Research has shown that people make better and more accurate performance evaluations when they take a few minutes to think about specific behaviors they have seen the person engage in rather than simply relying on their general impressions of the person.

YOUR POSITIVE EXPERIENCES WITH JUDGE X

To help you make a better performance evaluation, please take a few moments to recall some **positive behaviors** you have seen **Judge X** exhibit. Try to remember some positive examples of **Judge X's** behavior along the two dimensions of judicial performance listed in the cover letter. In your direct experience(s) working with **Judge X**, what did the judge do well?

Refer to **The Dimensions of Judicial Performance** in the cover letter for a description of the two dimensions of judicial performance.

After thinking about these examples of **Judge X's** behavior, please write down any three of the **positive behaviors** you recalled about **Judge X**. Your responses are confidential and will not be used in any way that could identify you as a respondent.

1. _____

2. _____

3. _____

YOUR NEGATIVES EXPERIENCES WITH JUDGE X

Now, please take a few moments to recall some **negative behaviors** you have seen **Judge X** exhibit. Try to remember some negative examples of **Judge X's** behavior along the two dimensions of judicial performance listed in the cover letter. In your direct experience(s) working with **Judge X**, what did the judge do poorly?

Refer to **The Dimensions of Judicial Performance** in the cover letter for a description of the two dimensions of judicial performance.

After thinking about these examples of **Judge X's** behavior, please write down any three of the **negative behaviors** you recalled about **Judge X**. Your responses are confidential and will not be used in any way that could identify you as a respondent.

1. _____

2. _____

3. _____

Survey Subject: _____

How frequently do you have contact with this judge?

_____ times weekly

_____ times monthly

_____ times yearly

Relationship with Court Staff	(1) Never	(2) Rarely	(3) Sometimes	(4) Frequently	(5) Every Time	N/A
The judge treats court staff respectfully, regardless of position.						
The judge is approachable.						
The judge encourages input from all team members.						
The judge is professional.						
The judge is available and answers questions.						
The judge is personable.						
The judge is appreciative of court staff.						
The judge is willing to assist court staff as needed.						
The judge is a team player.						
The judge has a good relationship with court staff.						

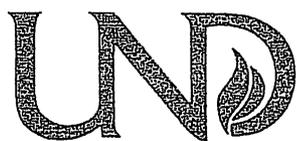
Please provide any additional feedback you have about **Judge X's relationship with court staff**. You may use this space and the back of this survey to identify additional strengths or weaknesses, or to clarify your response(s) to any item in this section. _____

Administrative Performance	(1) Never	(2) Rarely	(3) Sometimes	(4) Frequently	(5) Every Time	N/A
The judge is punctual.						
The judge responds to email communications and requests in a timely manner.						
The judge manages calendar and docket currency efficiently.						
The judge keeps cases moving promptly.						
The judge gives timely responses to proposed orders.						
The judge clearly communicates expectations.						
The judge is aware of how their decisions impact others.						
The judge signs documents in a timely manner.						
The judge has effective time management skills.						
The judge is fair and impartial.						

Please provide any additional feedback you have about **Judge X's administrative performance**. You may use this space and the back of this survey to identify additional strengths or weaknesses, or to clarify your response(s) to any item in this section. _____

Overall Evaluation	Very Poor	Poor	Fair	Good	Very Good
Taking everything into account, how would you rate the performance of this judge?					

Appendix F



**Bureau of Governmental Affairs
and Frank Wenstrom Library**

University of North Dakota • Gamble Hall Room 160 • 293 Centennial Drive Stop 7167 • Grand Forks ND 58202-7167 • (701) 777-3041 • FAX (701) 777-3556

August 1, 2015

Dear [Reviewer Name]:

Thank you for participating in the 2015 Judicial Improvement Program as a reviewer/mentor. We are writing to inform you that the reports for your assigned judicial officer, Judge X, will be arriving in one week. According to the timeframe established by North Dakota Supreme Court Administrative personnel in consultation with the Bureau of Governmental Affairs, the reviewer and judicial officer are to meet to review these results no later than Thursday, August 28, 2015. All reviewers are to return the reports and completed questionnaires to the Bureau for document destruction by Thursday, September 4, 2015.

Please refer all questions to Katheryne Korom at KatheryneKorom@msn.com or (701)751-1998.

We greatly appreciate your participation.

Sincerely,

Katheryne Korom

Bureau of Governmental Affairs



Bureau of Governmental Affairs and Frank Wenstrom Library

University of North Dakota • Gamble Hall Room 160 • 293 Centennial Drive Stop 7167 • Grand Forks ND 58202-7167 • (701) 777-3041 • FAX (701) 777-3556

Executive Summary

To: [Reviewer Name]
Judicial Improvement Survey Reviewer
Date: August 12, 2015

Introduction

Thank you for participating in the Judicial Improvement Survey as a reviewer/mentor. The Bureau of Governmental Affairs (Bureau) was designated by the North Dakota Supreme Court as the entity responsible for receiving and summarizing Judicial Improvement Surveys in accordance with North Dakota Supreme Court Administrative Rule 48 (Rule 48). This report is specifically meant to aid you in generating recommendations for the improvement of the survey subject's judicial performance. Our report includes: the executive summary, a copy of Rule 48, a copy of the survey instruments provided to litigants, including attorneys and self-represented litigants, and court staff, a copy of the cover letters provided to the same, compiled quantitative survey responses and narrative summaries of qualitative responses separated by litigants and court staff. Brief questionnaires have been enclosed for both the reviewer and subject judicial officer.

The maintenance of the confidentiality of these reports is critical and the Bureau has taken steps to ensure confidentiality at every step in the process. We have also tried to provide the report in a useful format. Rule 48 Sections 3(E-F) and 5 are of particular importance for reviewers at this point and provide the following:

Bureau's Responsibility

Section (3) (E): ...Upon receiving the survey results, the entity (Bureau of Governmental Affairs) shall summarize the responses and provide narrative and statistical summaries to the reviewer selected by the subject judicial officer. The summaries should separately reflect information provided by attorneys and self-represented litigants and by court personnel unless, based on the number of responses, segregating the information may result in identification of survey respondents. N.D. Sup. Ct. Admin. R. 48 Sec. 3 (E).

Reviewer's Responsibility

Section (3) (F): Upon receiving the survey summary, the reviewer shall review the information with the subject judicial officer and make recommendations to aid in improving judicial performance. N.D. Sup. Ct. Admin. R. 48 Sec. 3(F).

Confidentiality

Section (5): Survey results, summaries, and any reports are confidential and shall not be disclosed except as provided in this rule. The subject judicial officer shall not publicly disclose information resulting from the review conducted under Section 3F. The reviewer shall not disclose survey summary information to anyone other than the survey subject. Following completion of each survey process, the reviewer shall return the summary information to the entity (The Bureau of Governmental Affairs) described in Section 3E.

After the return of the survey summary, the entity shall immediately destroy the summary, along with any related survey information. The entity shall not retain any survey information concerning a subject judicial officer after completion of the survey process. N.D. Sup. Ct. Admin. R. 48 Sec. 5.

Using the Report/Reading the Results

The executive summary makes up the first section of this report. The second section provides the background material outlined above (surveys, cover letters, quantitative and qualitative results of litigant and court staff responses). The final section includes brief evaluation questionnaires for both the reviewer and subject judicial officer.

State and District court personnel generated lists of court staff and litigants, including attorneys and self-represented litigants, who appear on their case tracking systems. The survey responses were entered by Bureau of Governmental Affairs staff between late August and early October of this year. Bureau personnel compiled qualitative survey responses and wrote narrative summaries based on responses. Quantitative survey responses were entered in SPSS and statistical reports were computed based on individual results.

Narrative summaries of qualitative responses were written and statistical reports generated to ensure the confidentiality of survey respondents. However, if your experience either on the bench or in the legal community in North Dakota leads you to believe this is not the case, please review this report and make recommendations to the subject judicial officer in a manner that will not compromise the confidentiality of the respondents.

Questionnaires

Brief questionnaires have been enclosed for both the reviewer and subject judicial officer. We recently conducted a review of the North Dakota Judicial Improvement Program and we are asking for your feedback in order to continue to improve our current process. Your responses will be held in strict confidence. Your names do not and will not appear on questionnaires. Please return the completed questionnaires with the reports in the enclosed envelope marked confidential. The results of these confidential questionnaires will be compiled in one report and individual questionnaires destroyed.

Time Considerations

According to the timeframe established by Supreme Court Administrative personnel in consultation with the Bureau, the reviewer and subject judicial officers are to meet to review these results no later than Thursday, August 30, 2015. All reviewers are to return the report to the Bureau – in the enclosed envelope marked confidential – for document destruction by Thursday, September 6, 2015.

Please refer all questions to the Katheryne Korom at KatheryneKorom@msn.com or (701)751-1998.

Thank you again for your participation.

Katheryne Korom
Bureau of Governmental Affairs

Appendix H

Judicial Improvement Program

- Reviewer Questionnaire -

How satisfied were you with the following elements of the Judicial Improvement report?

	Very Satisfied	Somewhat Satisfied	Neutral	Somewhat Dissatisfied	Very Dissatisfied
Information provided in the Executive Summary	<input type="checkbox"/>				
Court staff survey questions	<input type="checkbox"/>				
Court staff survey length	<input type="checkbox"/>				
Litigant survey questions	<input type="checkbox"/>				
Litigant survey length	<input type="checkbox"/>				
Narrative report format	<input type="checkbox"/>				
Statistical report format	<input type="checkbox"/>				
Time frame provided for report return	<input type="checkbox"/>				

Do you have any suggestions for improving the Judicial Improvement report?

	Very Satisfied	Somewhat Satisfied	Neutral	Somewhat Dissatisfied	Very Dissatisfied
Overall, how satisfied are you the Judicial Improvement program?	<input type="checkbox"/>				

Do you have any additional suggestions for improving the Judicial Improvement Program?

	Yes	No
Would you like additional training in this process?	<input type="checkbox"/>	<input type="checkbox"/>

Appendix I

Judicial Improvement Program

- Justice/Judge/Referee Questionnaire -

How satisfied were you with the following elements of the Judicial Improvement report?

	Very Satisfied	Somewhat Satisfied	Neutral	Somewhat Dissatisfied	Very Dissatisfied
Information provided in the Executive Summary	<input type="checkbox"/>				
Court staff survey questions	<input type="checkbox"/>				
Court staff survey length	<input type="checkbox"/>				
Litigant survey questions	<input type="checkbox"/>				
Litigant survey length	<input type="checkbox"/>				
Narrative report format	<input type="checkbox"/>				
Statistical report format	<input type="checkbox"/>				
Time frame provided for report return	<input type="checkbox"/>				

Do you have any suggestions for improving the Judicial Improvement report?

	Very Satisfied	Somewhat Satisfied	Neutral	Somewhat Dissatisfied	Very Dissatisfied
Overall, how satisfied are you with the Judicial Improvement program?	<input type="checkbox"/>				

Do you have any additional suggestions for improving the Judicial Improvement Program?

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The Judicial Improvement Program facilitates judicial professional development.	<input type="checkbox"/>				

Appendix J										
2010 Judicial Improvement Survey										
										Court Pers.
										Response
										Total CP
	Lit	L - NA#	Total Lit	Total Lit	Litigant Response	CP#	CP-NA#	Total CP	Sent	Rate
98-2010	15	2	17	199	0.085	13	3	16	52	0.308
16-2010	14	2	16	68	0.235	11	9	20	49	0.408
12-2010	38	3	41	193	0.212	11	5	16	52	0.308
52-2010	23	2	25	104	0.240	5	0	5	28	0.179
42-2010	57	6	63	298	0.211	12	7	19	43	0.442
91-2010	21	4	25	106	0.236	11	1	12	12	1.000
82-2010	21	4	25	168	0.149	14	1	15	32	0.469
11-2010	45	3	48	241	0.199	15	4	19	43	0.442
78-2010	17	10	27	127	0.213	12	6	18	39	0.462
22-2010	35	4	39	153	0.255	15	4	19	26	0.731
35-2010	31	8	39	149	0.262	12	10	22	39	0.564
51-2010	29	3	32	142	0.225	16	7	23	49	0.469
08-2010	12	2	14	85	0.165	12	0	12	32	0.375
03-2010	33	3	36	177	0.203	15	0	15	32	0.469
55-2010	29	2	31	126	0.246	16	6	22	49	0.449
70-2010	42	5	47	251	0.187	16	3	19	43	0.442
81-2010	40	5	45	218	0.206	15	3	18	43	0.419
82-2010	21	6	27	233	0.116	3	0	3	28	0.107
61-2010	25	7	32	119	0.269	20	2	22	49	0.449
90-2010	22	4	26	181	0.144	16	4	20	43	0.465
04-2010	17	7	24	75	0.320	21	2	23	39	0.590
17-2010	24	5	29	102	0.284	13	0	13	28	0.464
*Totals	611	97	708	3515	0.212	294	77	371	850	0.455

					Appendix K					
2012 Judicial Improvement Survey										
					Litigant		Court Pers.			
			Total	Total Lit	Response			Total CP	Response	
	Lit	L - NA#	Lit	Sent	Rate	CP#	CP-NA#	Total CP	Sent	Rate
30-2012	32	10	42	220	0.191	19	7	26	42	0.619
76-2012	25	1	26	132	0.197	8	7	15	28	0.536
40-2012	28	14	42	234	0.179	22	4	26	42	0.619
29-2012	27	8	35	98	0.357	10	5	15	28	0.536
59-2012	51	2	53	252	0.210	7	0	7	50	0.140
33-2012	38	4	42	150	0.280	11	4	15	39	0.385
46-2012	28	16	44	168	0.262	6	9	15	39	0.385
99-2012	70	12	82	441	0.186	8	2	10	54	0.185
84-2012	27	9	36	139	0.259	15	3	18	50	0.360
52-2012	55	9	64	303	0.211	8	0	8	50	0.160
64-2012	37	3	40	154	0.260	12	0	12	32	0.375
23-2012	20	2	22	100	0.220	7	0	7	50	0.140
10-2012	25	3	28	118	0.237	11	1	12	32	0.375
63-2012	34	5	39	136	0.287	10	2	12	25	0.480
67-2012	28	10	38	144	0.264	10	2	12	25	0.480
03-2012	35	4	39	228	0.171	15	10	25	42	0.595
15-2012	22	7	29	110	0.264	12	0	12	32	0.375
*Totals	582	119	701	3127	0.237	191	56	247	660	0.397

Appendix L										
2014 Judicial Improvement Survey										
					Litigant Response				Total CP	Court Pers. Response
	Lit	L - NA#	Lit	Sent	Rate	CP#	CP-NA#	Total CP	Sent	Rate
49-2014	21	4	25	155	0.161	6	0	6	14	0.429
43-2014	39	4	43	193	0.223	14	6	20	35	0.571
31-2014	32	7	39	216	0.181	11	8	19	42	0.452
98-2014	23	8	31	133	0.233	4	5	9	24	0.375
12-2014	56	6	62	315	0.197	16	0	16	58	0.276
07-2014	15	7	22	126	0.175	15	0	15	46	0.326
88-2014	33	5	38	219	0.174	11	1	12	46	0.261
18-2014	19	4	23	103	0.223	9	5	14	26	0.538
14-2014	22	7	29	161	0.180	6	0	6	14	0.429
77-2014	18	4	22	169	0.130	7	4	11	24	0.458
21-2014	23	6	29	227	0.128	12	7	19	42	0.452
05-2014	15	3	18	90	0.200	13	2	15	49	0.306
37-2014	41	2	43	238	0.181	16	4	20	57	0.351
67-2014	30	6	36	206	0.175	6	4	10	24	0.417
92-2014	21	3	24	151	0.159	4	5	9	26	0.346
27-2014	31	5	36	227	0.159	14	0	14	44	0.318
54-2014	28	12	40	161	0.248	23	0	23	55	0.418
69-2014	21	1	22	116	0.190	14	1	15	25	0.600
87-2014	27	8	35	122	0.287	17	0	17	33	0.515
*Totals	515	102	617	3328	0.190	218	52	270	684	0.413

Appendix M



Gamble Hall, Room 160
293 Centennial Drive, Stop 7167
Grand Forks, ND 58202-7167

[Postcard Front]

In approximately one week.

The University of North Dakota Bureau of Governmental Affairs in coordination with the North Dakota Supreme Court requests your participation in the 2015 Judicial Improvement Program.

If you have not already returned your Judicial Improvement Survey, we encourage your participation.

This survey is due in approximately one week.

If you have any questions call:

Katheryne at (701) 751-1998



Thank You.

Administrative Rule 48 - NORTH DAKOTA JUDICIAL IMPROVEMENT PROGRAM

SECTION 1. POLICY.

The North Dakota Judicial System policy is to promote the self-improvement of judicial officers by establishing a mandatory judicial improvement program that assists each judicial officer in improving judicial performance and conduct in order to enhance the effective and efficient performance of judicial duties.

SECTION 2. APPLICATION.

This rule applies to all judicial officers. For purposes of this Rule, "judicial officer" means justices of the Supreme Court, judges of the District Court, and judicial referees. This rule does not apply to surrogate judges or judges of the municipal courts.

SECTION 3. IMPLEMENTATION.

A. Except for the compiling and summarizing of survey results, the judicial improvement program will be managed by trial court administrative personnel designated by the presiding judge in each judicial district with respect to surveys regarding district court judges and judicial referees, and by personnel designated by the Chief Justice with respect to surveys regarding justices of the Supreme Court.

B. Approved forms must be used throughout the state as the minimum survey document to provide comments to the individual judge judicial officer . ~~A judicial officer may add additional questions to the survey concerning the judicial officer. The Judiciary Standards Committee will maintain a list of additional questions as a resource. The forms may be modified periodically, but all questions, except those concerning the number of times a person has had contact with the subject judicial officer, must.~~ Survey instruments may elicit both qualitative, non-numerical and quantitative, numerical responses.

C. Lists of attorneys, self-represented litigants, and court personnel ~~to be surveyed may will~~ be generated from judicial case management systems by personnel designated under Section 3A. ~~Judicial officers are urged to maintain a list of attorneys appearing before them and court personnel working with them prior to the survey period, so as to reduce the burden of generating such a list by trial court personnel. The lists should include as many attorneys, self-represented litigants, and court personnel appearing before or working with the judicial officer in the 12 months immediately preceding the survey as possible. The time period may be shortened in areas with high numbers of appearances.~~

D. Surveys must be mailed to the survey respondents by personnel designated under Section 3A. The subject of the survey must not receive or see the completed survey document. The subject judicial officer shall select another judicial officer or other person, or both, who will review the survey results with the judicial officer. The subject judicial officer shall provide the name of the

reviewer to personnel designated under Section 3A, who shall notify the entity identified in Section 3E.

E. The Supreme Court shall contract with an independent entity for purposes of receiving and summarizing survey information, and transmitting survey summaries to reviewers. All survey responses must be sent to the entity in an pre-posted envelope provided for that purpose. Upon receiving the survey results, the entity shall summarize the responses and provide ~~a summary~~ narrative and statistical summaries to the reviewer selected by the subject judicial officer. The ~~summary~~ summaries should separately reflect information provided by attorneys and self-represented litigants and by court personnel unless, based on the number of responses, segregating the information may result in identification of survey respondents.

F. Upon receiving the survey summary, the reviewer shall review the information with the subject judicial officer and make recommendations to aid in improving judicial performance.

SECTION 4. FREQUENCY OF SURVEYS.

Judicial improvement surveys must be conducted within two years following the election of the subject judicial officer unless the judicial officer is a referee, in which case the surveys must be conducted during each four year period following the referee's appointment. Only one survey for each judicial officer is required during each term of office, or four year period, but a judicial officer may elect to have surveys conducted more frequently.

SECTION 5. CONFIDENTIALITY—DISPOSITION OF SURVEY RESULTS.

Survey results, summaries, and any reports are confidential and shall not be disclosed except as provided in this rule. The subject judicial officer shall not publicly disclose information resulting from the review conducted under Section 3F. The reviewer shall not disclose survey summary information to anyone other than the survey subject. Following completion of each survey process, the reviewer shall return the summary information to the entity described in Section 3E. After the return of the survey summary, the entity shall immediately destroy the summary, along with any related survey information. The entity shall not retain any survey information concerning a subject judicial officer after completion of the survey process.

This rule is amended effective March 1, 2005.

Dated at Bismarck, North Dakota, December 8, 2004.

Gerald W. VandeWalle, Chief Justice
William A. Neumann, Justice
Dale V. Sandstrom, Justice
Mary Muehlen Maring, Justice
Carol Ronning Kapsner, Justice

ATTEST:
Penny Miller, Clerk