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December 1, 2021

DELIVERED VIA E-MAIL

The Honorable John S. Edwards, Chair
Senate Committee on the Judiciary
Pocahontas Building
Capitol Square
Richmond, Virginia 23219

The Honorable Charniele L. Herring, Chair
House Committee on Courts of Justice
Pocahontas Building
Capitol Square
Richmond, Virginia 23219

Re: Judicial Performance Evaluation Reports Pursuant to Code § 17.1-100

Dear Chairs Edwards and Herring:

Virginia Code § 17.1-100 requires that

A. ... By December 1 of each year, the Supreme Court, or its designee, shall transmit a report of the evaluation in the final year of the term of each justice and judge whose term expires during the next session of the General Assembly to the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary....

B. The reporting requirement of this section shall become effective when funds are appropriated for this program and shall apply to the evaluation of any justice or judge who has had at least one interim evaluation conducted during his term....

The attached document includes the evaluation reports prepared for the judges, listed below, who are eligible for re-election during the 2022 Session of the General Assembly. These judges each have had at least one interim evaluation conducted during their terms, which, as you know, are used for self-improvement purposes and “shall not be disclosed” pursuant to paragraph C of the aforesaid statute.

The Honorable John S. Edwards, Chair
The Honorable Charniele L. Herring, Chair
December 1, 2021
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The report for each circuit court judge includes, as an addendum, the information provided by the Virginia Criminal Sentencing Commission as required in Va. Code § 17.1-100(A).

Court of Appeals of Virginia Judges

1. Honorable Randolph A. Beales
2. Honorable Marla Graff Decker

Circuit Court Judges

3. Honorable Steven C. Frucci, 2nd Circuit
4. Honorable James Clayton Lewis, 2nd Circuit
5. Honorable David W. Lannetti, 4th Circuit
6. Honorable Lawson Wayne Farmer, 5th Circuit
7. Honorable Robert H. Sandwich, Jr., 5th Circuit
8. Honorable Bryant L. Sugg, 7th Circuit
9. Honorable B. Elliott Bondurant, 9th Circuit
10. Honorable Jeffrey W. Shaw, 9th Circuit
11. Honorable Donald Carl Blessing, 10th Circuit
12. Honorable Joseph M. Teefey, Jr., 11th Circuit
13. Honorable Edward A. Robbins, Jr., 12th Circuit
14. Honorable Lynn S. Brice, 12th Circuit
15. Honorable David E. Johnson, 12th Circuit
16. Honorable William R. Marchant, 13th Circuit
17. Honorable C. N. Jenkins, Jr., 13th Circuit
18. Honorable Lee A. Harris, Jr., 14th Circuit
19. Honorable Herbert M. Hewitt, 15th Circuit
20. Honorable Victoria A. B. Willis, 15th Circuit
21. Honorable Richard E. Moore, 16th Circuit
22. Honorable Grace Burke Carroll, 19th Circuit
23. Honorable Jeanette A. Irby, 20th Circuit
24. Honorable Stephen E. Sincavage, 20th Circuit
25. Honorable James W. Updike, Jr., 24th Circuit
26. Honorable Clark Andrew Ritchie, 26th Circuit
27. Honorable Bradley W. Finch, 27th Circuit
28. Honorable Josiah T. Showalter, Jr., 27th Circuit
29. Honorable Richard C. Patterson, 29th Circuit

The Honorable John S. Edwards, Chair
The Honorable Charniele L. Herring, Chair
December 1, 2021
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General District Court Judges

30. Honorable Douglas B. Ottinger, 3rd District
31. Honorable John S. Martin, 15th District
32. Honorable David B. Caddell, Jr., 15th District
33. Honorable Richard T. McGrath, 15th District
34. Honorable Claiborne H. Stokes, Jr., 16th District
35. Honorable Harry Michael Cantrell, 19th District
36. Honorable Mitchell I. Mutnick, 19th District
37. Honorable Thomas W. Roe, Jr., 23rd District
38. Honorable Randy C. Krantz, 24th District
39. Honorable Randal J. Duncan, 27th District

Juvenile and Domestic Relations District Court Judges

40. Honorable James E. Wiser, 5th District
41. Honorable Marvin H. Dunkum, Jr., 10th District
42. Honorable Nora J. Miller, 10th District
43. Honorable D. Gregory Carr, 12th District
44. Honorable Mary E. Langer, 13th District
45. Honorable William L. Lewis, 15th District
46. Honorable Robin L. Robb, 17th District
47. Honorable Todd G. Petit, 19th District
48. Honorable Dale M. Wiley, 22nd District
49. Honorable Robert Louis Harrison, Jr., 24th District
50. Honorable Correy R. Smith, 25th District
51. Honorable Elizabeth Kellas Burton, 26th District
52. Honorable Laura F. Robinson, 29th District
53. Honorable D. Scott Bailey, 31st District

If you have any questions concerning this document, please do not hesitate to contact me.

With best wishes, I am

Very truly yours,



Karl R. Hade

KRH:kw

Attachment

cc: Division of Legislative Automated Systems
Shannon C. Heard, Division of Legislative Services

Judicial Performance Evaluation Program Information for General Assembly Members – 2021

The following information is provided to assist General Assembly members in understanding the Judicial Performance Evaluation Reports and the methods used to conduct the evaluations.

Please note that each judge’s evaluation is unique and is not directly comparable to other judges’ evaluation reports. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

Below are factors you may wish to consider when reviewing the evaluations.

- All judges were evaluated by attorneys and other respondent groups, which vary by the type of court. All responses are aggregated in the reports, except for responses in the Court of Appeals’ reports and juror responses in the circuit court reports.
 - Judges at all trial court levels were also evaluated by bailiffs and court reporters who served in their courtrooms. Some judges had few of these respondents; others had several. A few judges did not have any bailiffs surveyed because the local sheriff did not provide contact information for bailiffs. Some judges had no court reporters surveyed because the JPE Program was not able to identify any court reporters who worked in the judge’s courtroom.
 - Circuit Court judges were evaluated by jurors; however, some judges did not receive any juror survey responses -- either because no jury trials were conducted during the relevant period, or the jurors chose not to respond. Juror responses are shown separately from all other respondent groups.
 - Circuit Court judges were also evaluated by in-court clerk’s office staff. There was variability in numbers of staff surveyed because of the way the clerks’ offices are managed. A few clerks did not provide any staff contact information.
 - Court of Appeals’ judges were evaluated by circuit court judges on their opinion writing. An Appellate Opinion Review Committee also reviewed at least four opinions written by the evaluated judge in the last three years.
- For Court of Appeals and Circuit Court judges, respondents are asked to rate the judge based on experiences with the judge during the previous **three years**. For District Court judges, respondents are asked to rate the judge based on experiences with the judge during the previous **12 months**.
- Efforts are made to survey a large number of individuals; however, this is a voluntary process. While the responses received are not necessarily representative of all potential respondents, each judge’s report accurately reflects the responses actually received for that judge.
- Judges receive evaluations from attorneys who have appeared before or observed the specific judge. Thus, even judges within a single circuit or district may be evaluated by different attorneys, and there will be individual differences in how attorneys rate judges. Also, there may be regional differences in how groups of attorneys tend to rate judges.
- The number of attorneys surveyed is not uniform. Generally, there are fewer attorneys to survey for judges who preside in rural areas. Each judge’s report lists how many total surveys were completed for that judge.
- For judges who have a very high number of potential attorney respondents, only a sample of those respondents is surveyed (approximately 250). For judges in more rural jurisdictions, all identified eligible attorneys may be surveyed if there are less than 250 potential respondents identified.
- In order to be eligible to complete an evaluation, an attorney must have appeared before or observed the evaluated judge at least one time in the applicable time period.
- Judges preside in different environments.
 - Some sit every day in one location; others travel to several different courts during the week.
 - Judges in different districts or circuits may hear very different types of cases. Even within a single district or circuit, some judges may hear a certain type of case (i.e., criminal) more than other judges do.

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Randolph A. Beales

Judge of the Court of Appeals of Virginia

Submitted to:

The Chair of the Senate Committee on the Judiciary

The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. The evaluated judge has had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation methods were written surveys and opinion reviews. The judge was reviewed by three groups: attorneys who appeared before the judge within the past three years, circuit court judges, and an Appellate Opinion Review Committee. The Committee is appointed by the Chief Justice and is comprised of two retired Supreme Court justices, one retired Court of Appeals judge, two retired circuit court judges, and a law professor.

The survey completed by the attorneys contained 15 performance-based factors (or questions) drawn from the Canons of Judicial Conduct related to observable, mostly in-court behaviors, and a 10-question section related to opinion writing. Surveys completed by circuit court judges contained only the opinion writing section.

The Appellate Opinion Review Committee reviewed four opinions written by the evaluated judge within the past three years. The judge selected the opinions, which were required to come from the following categories:

- a. One criminal opinion,
- b. One civil opinion,
- c. One workers' compensation opinion, and
- d. One concurrence or dissent.

The Committee had the option of reviewing additional opinions at the Committee’s discretion. The Committee met in April 2021 and, for each opinion, reported a consensus score and optional narrative for each factor contained on a scoring template provided to the Committee.

III. Report Content

This report has two parts. Part I is organized as follows: Section A shows the collective results of all surveys submitted by attorneys who reviewed the judge’s performance. Section B shows the collective results from circuit court judges. Section C contains an aggregate of attorney and circuit court judge results on the survey’s opinion section.

For each performance factor on the survey, the report presents the percentage for each category: Every Time, Frequently, Some of the Time, Rarely, or Never. It also reflects the number of responses for each category. Responses of “Not Applicable” are treated as non-responses and are not included in the number of responses or percentage calculation. The number of responses will vary among the performance factors because of non-responses. This report reflects a total of 112 completed surveys for Judge Randolph A. Beales (56 circuit court judge surveys and 56 attorney surveys).

Part II of this report consists of the opinion review results provided by the Appellate Opinion Review Committee. The Committee’s consensus is included for each of the opinions the evaluated judge selected for review.

PART I
SECTION A

ATTORNEY SURVEYS

Evaluation of Judge Randolph A. Beales: Evaluation Summary

Performance Factors: Oral Argument	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	94.3% 50	3.8% 2	1.9% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	96.4% 53	1.8% 1	1.8% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	94.1% 48	3.9% 2	0.0% 0	2.0% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	96.0% 48	2.0% 1	2.0% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	96.4% 53	1.8% 1	1.8% 1	0.0% 0	0.0% 0
6. The judge is attentive to the proceedings	92.9% 52	5.4% 3	0.0% 0	1.8% 1	0.0% 0
7. The judge exhibits fairness to all parties	90.7% 49	3.7% 2	5.6% 3	0.0% 0	0.0% 0
8. The judge treats all parties in an impartial manner	92.5% 49	3.8% 2	3.8% 2	0.0% 0	0.0% 0
9. The judge avoids inappropriate <i>ex parte</i> communications	97.9% 46	2.1% 1	0.0% 0	0.0% 0	0.0% 0
10. The judge expects professional behavior of court participants	98.0% 50	2.0% 1	0.0% 0	0.0% 0	0.0% 0
11. The judge allows lawyers appropriate latitude in presentation of their case	90.6% 48	7.5% 4	0.0% 0	1.9% 1	0.0% 0
12. The judge displays knowledge of the law	82.1% 46	12.5% 7	3.6% 2	1.8% 1	0.0% 0
13. The judge communicates effectively	83.9% 47	12.5% 7	1.8% 1	1.8% 1	0.0% 0
14. The judge performs judicial duties without bias or prejudice	90.4% 47	5.8% 3	1.9% 1	0.0% 0	1.9% 1
15. The judge asks relevant questions	83.9% 47	12.5% 7	1.8% 1	0.0% 0	1.8% 1

Evaluation of Judge Randolph A. Beales: Evaluation Summary

Performance Factor: Written Opinions	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge writes opinions that exhibit the proper application of judicial precedents	74.5% 35	17.0% 8	6.4% 3	0.0% 0	2.1% 1
2. The judge writes opinions that adequately explain the basis of the court's decision	78.7% 37	12.8% 6	6.4% 3	0.0% 0	2.1% 1
3. The judge writes opinions that provide an applicable standard of review for the case, if any	89.4% 42	6.4% 3	2.1% 1	0.0% 0	2.1% 1
4. The judge writes opinions that provide clear direction to the lower tribunal or court	80.0% 36	15.6% 7	2.2% 1	0.0% 0	2.2% 1
5. The judge writes opinions that clearly set forth any rules of law to be used in future cases	83.0% 39	12.8% 6	2.1% 1	0.0% 0	2.1% 1
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	80.4% 37	10.9% 5	6.5% 3	0.0% 0	2.2% 1
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	85.1% 40	14.9% 7	0.0% 0	0.0% 0	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	91.9% 34	8.1% 3	0.0% 0	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	83.0% 39	12.8% 6	2.1% 1	0.0% 0	2.1% 1
10. The judge writes opinions in which the legal reasoning is easy to follow	73.9% 34	17.4% 8	6.5% 3	0.0% 0	2.2% 1

Evaluation of Judge Randolph A. Beales: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	45	84.9%
	Good	6	11.3%
	Needs Improvement	1	1.9%
	Unsatisfactory	1	1.9%
In general, over the last three years, has the judge's overall court-related performance become...	Better	3	8.8%
	Worse	0	0.0%
	Stayed the Same	31	91.2%

PART I
SECTION B

CIRCUIT COURT JUDGE SURVEYS

Evaluation of Judge Randolph A. Beales: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge writes opinions that exhibit the proper application of judicial precedents	74.5% 41	23.6% 13	1.8% 1	0.0% 0	0.0% 0
2. The judge writes opinions that adequately explain the basis of the court's decision	78.6% 44	19.6% 11	1.8% 1	0.0% 0	0.0% 0
3. The judge writes opinions that provide an applicable standard of review for the case, if any	80.0% 44	16.4% 9	3.6% 2	0.0% 0	0.0% 0
4. The judge writes opinions that provide clear direction to the lower tribunal or court	74.5% 41	20.0% 11	5.5% 3	0.0% 0	0.0% 0
5. The judge writes opinions that clearly set forth any rules of law to be used in future cases	72.7% 40	23.6% 13	3.6% 2	0.0% 0	0.0% 0
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	80.4% 45	16.1% 9	3.6% 2	0.0% 0	0.0% 0
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	74.5% 41	21.8% 12	3.6% 2	0.0% 0	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	86.0% 37	9.3% 4	4.7% 2	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	79.6% 43	16.7% 9	3.7% 2	0.0% 0	0.0% 0
10. The judge writes opinions in which the legal reasoning is easy to follow	82.1% 46	14.3% 8	1.8% 1	1.8% 1	0.0% 0

Evaluation of Judge Randolph A. Beales: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	50	90.9%
	Good	5	9.1%
	Needs Improvement	0	0.0%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	2	4.3%
	Worse	0	0.0%
	Stayed the Same	45	95.7%

PART I
SECTION C

COMBINED SURVEYS:
ATTORNEYS AND CIRCUIT COURT JUDGES

Evaluation of Judge Randolph A. Beales: Evaluation Summary

Performance Factor: Written Opinions	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge writes opinions that exhibit the proper application of judicial precedents	74.5% 76	20.6% 21	3.9% 4	0.0% 0	1.0% 1
2. The judge writes opinions that adequately explain the basis of the court's decision	78.6% 81	16.5% 17	3.9% 4	0.0% 0	1.0% 1
3. The judge writes opinions that provide an applicable standard of review for the case, if any	84.3% 86	11.8% 12	2.9% 3	0.0% 0	1.0% 1
4. The judge writes opinions that provide clear direction to the lower tribunal or court	77.0% 77	18.0% 18	4.0% 4	0.0% 0	1.0% 1
5. The judge writes opinions that clearly set forth any rules of law to be used in future cases	77.5% 79	18.6% 19	2.9% 3	0.0% 0	1.0% 1
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	80.4% 82	13.7% 14	4.9% 5	0.0% 0	1.0% 1
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	79.4% 81	18.6% 19	2.0% 2	0.0% 0	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	88.8% 71	8.8% 7	2.5% 2	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	81.2% 82	14.9% 15	3.0% 3	0.0% 0	1.0% 1
10. The judge writes opinions in which the legal reasoning is easy to follow	78.4% 80	15.7% 16	3.9% 4	1.0% 1	1.0% 1

Evaluation of Judge Randolph A. Beales: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	95	88.0%
	Good	11	10.2%
	Needs Improvement	1	0.9%
	Unsatisfactory	1	0.9%
In general, over the last three years, has the judge's overall court-related performance become...	Better	5	6.2%
	Worse	0	0.0%
	Stayed the Same	76	93.8%

PART II

OPINION REVIEW
BY
APPELLATE OPINION REVIEW COMMITTEE

**Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: Giles v. Prince George County Public Schools**

Performance Factor: Legal Analysis and Reasoning	
The opinion adequately explains the basis of the court's decision	Agree
The opinion provides an applicable standard of review for the case	Agree
The opinion clearly sets forth rules of law, if any, to be used in future cases	Agree
The opinion provides clear direction to the trial courts	Agree
<p>Comments: The committee was very complimentary of Judge Beales' writing style. It found his opinions to be clear and concise. He is "a good storyteller." One committee member summarized the consensus of the committee when he said that Judge Beales "cares about enabling the reader to understand the facts."</p>	

**Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: Giles v. Prince George County Public Schools**

Performance Factor: Fairness	
(No Data reported for Performance Factor: Fairness, as this was not a concurring or dissenting opinion)	

**Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: Giles v. Prince George County Public Schools**

Performance Factors: Clarity	
The opinion is clear	Agree
The opinion adequately summarizes the relevant facts in the case	Agree
The opinion's legal reasoning is easy to follow	Agree

Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: McGinnis v. McGinnis

Performance Factor: Legal Analysis and Reasoning

The opinion adequately explains the basis of the court's decision Agree

The opinion provides an applicable standard of review for the case Agree

The opinion clearly sets forth rules of law, if any, to be used in future cases Agree

The opinion provides clear direction to the trial courts Agree

Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: McGinnis v. McGinnis

Performance Factor: Fairness

(No Data reported for Performance Factor: Fairness, as this was not a concurring or dissenting opinion)

Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: McGinnis v. McGinnis

Performance Factors: Clarity

The opinion is clear Agree

The opinion adequately summarizes the relevant facts in the case Agree

The opinion's legal reasoning is easy to follow Agree

Comments: The opinion gives clear guidance to the bench and bar. Equitable distribution is a creature of statute. Don't make up remedies not in the statute.

Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: Robinson v. Commonwealth

Performance Factor: Legal Analysis and Reasoning

(No Data reported for Performance Factor: Legal Analysis and Reasoning, as this was a concurring or dissenting opinion)

Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: Robinson v. Commonwealth

Performance Factor: Fairness

(For a concurring or dissenting opinion)
The opinion is appropriate in tone Agree

Comments: The committee thought Judge Beales' dissenting opinion was clear, concise, and persuasive. Judge Beales also got high marks for his tone which made "no jabs" at the majority.

Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: Robinson v. Commonwealth

Performance Factors: Clarity

The opinion is clear Agree

The opinion adequately summarizes the relevant facts in the case Agree

The opinion's legal reasoning is easy to follow Agree

Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: Palmer v. Commonwealth

Performance Factor: Legal Analysis and Reasoning

The opinion adequately explains the basis of the court's decision Agree

The opinion provides an applicable standard of review for the case Agree

The opinion clearly sets forth rules of law, if any, to be used in future cases Agree

The opinion provides clear direction to the trial courts Agree

Comments: The committee praised Judge Beales' analysis of the Fifth Amendment issue. It provides clear and concise guidance to the bench and bar.

Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: Palmer v. Commonwealth

Performance Factor: Fairness

(No Data reported for Performance Factor: Fairness, as this was not a concurring or dissenting opinion)

Evaluation of Judge Randolph A. Beales: Opinion Review
Case Name: Palmer v. Commonwealth

Performance Factors: Clarity

The opinion is clear Agree

The opinion adequately summarizes the relevant facts in the case Agree

The opinion's legal reasoning is easy to follow Agree

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Marla Graff Decker

Chief Judge of the Court of Appeals of Virginia

Submitted to:

The Chair of the Senate Committee on the Judiciary

The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. The evaluated judge has had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation methods were written surveys and opinion reviews. The judge was reviewed by three groups: attorneys who appeared before the judge within the past three years, circuit court judges, and an Appellate Opinion Review Committee. The Committee is appointed by the Chief Justice and is comprised of two retired Supreme Court justices, one retired Court of Appeals judge, two retired circuit court judges, and a law professor.

The survey completed by the attorneys contained 15 performance-based factors (or questions) drawn from the Canons of Judicial Conduct related to observable, mostly in-court behaviors, and a 10-question section related to opinion writing. Surveys completed by circuit court judges contained only the opinion writing section.

The Appellate Opinion Review Committee reviewed four opinions written by the evaluated judge within the past three years. The judge selected the opinions, which were required to come from the following categories:

- a. One criminal opinion,
- b. One civil opinion,
- c. One workers' compensation opinion, and
- d. One concurrence or dissent.

The Committee had the option of reviewing additional opinions at the Committee’s discretion. The Committee met in April 2021 and, for each opinion, reported a consensus score and optional narrative for each factor contained on a scoring template provided to the Committee.

III. Report Content

This report has two parts. Part I is organized as follows: Section A shows the collective results of all surveys submitted by attorneys who reviewed the judge’s performance. Section B shows the collective results from circuit court judges. Section C contains an aggregate of attorney and circuit court judge results on the survey’s opinion section.

For each performance factor on the survey, the report presents the percentage for each category: Every Time, Frequently, Some of the Time, Rarely, or Never. It also reflects the number of responses for each category. Responses of “Not Applicable” are treated as non-responses and are not included in the number of responses or percentage calculation. The number of responses will vary among the performance factors because of non-responses. This report reflects a total of 153 completed surveys for Chief Judge Marla Graff Decker (72 circuit court judge surveys and 81 attorney surveys).

Part II of this report consists of the opinion review results provided by the Appellate Opinion Review Committee. The Committee’s consensus is included for each of the opinions the evaluated judge selected for review.

PART I
SECTION A

ATTORNEY SURVEYS

Evaluation of Chief Judge Marla Graff Decker: Evaluation Summary

Performance Factors: Oral Argument	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	82.5% 66	15.0% 12	2.5% 2	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	90.1% 73	4.9% 4	4.9% 4	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	85.5% 65	3.9% 3	6.6% 5	0.0% 0	3.9% 3
4. The judge is diligent in the performance of judicial duties	85.5% 65	6.6% 5	3.9% 3	1.3% 1	2.6% 2
5. The judge shows respect for all court participants	91.4% 74	4.9% 4	1.2% 1	1.2% 1	1.2% 1
6. The judge is attentive to the proceedings	87.7% 71	7.4% 6	2.5% 2	1.2% 1	1.2% 1
7. The judge exhibits fairness to all parties	86.3% 69	6.3% 5	1.3% 1	2.5% 2	3.8% 3
8. The judge treats all parties in an impartial manner	84.8% 67	8.9% 7	0.0% 0	2.5% 2	3.8% 3
9. The judge avoids inappropriate <i>ex parte</i> communications	95.1% 58	4.9% 3	0.0% 0	0.0% 0	0.0% 0
10. The judge expects professional behavior of court participants	94.7% 71	4.0% 3	1.3% 1	0.0% 0	0.0% 0
11. The judge allows lawyers appropriate latitude in presentation of their case	83.8% 67	11.3% 9	2.5% 2	1.3% 1	1.3% 1
12. The judge displays knowledge of the law	77.2% 61	12.7% 10	5.1% 4	1.3% 1	3.8% 3
13. The judge communicates effectively	82.7% 67	11.1% 9	4.9% 4	0.0% 0	1.2% 1
14. The judge performs judicial duties without bias or prejudice	87.8% 65	4.1% 3	1.4% 1	2.7% 2	4.1% 3
15. The judge asks relevant questions	77.5% 62	15.0% 12	5.0% 4	0.0% 0	2.5% 2

Evaluation of Chief Judge Marla Graff Decker: Evaluation Summary

Performance Factor: Written Opinions	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge writes opinions that exhibit the proper application of judicial precedents	65.2% 43	25.8% 17	4.5% 3	3.0% 2	1.5% 1
2. The judge writes opinions that adequately explain the basis of the court's decision	74.2% 49	19.7% 13	1.5% 1	3.0% 2	1.5% 1
3. The judge writes opinions that provide an applicable standard of review for the case, if any	83.1% 54	9.2% 6	3.1% 2	3.1% 2	1.5% 1
4. The judge writes opinions that provide clear direction to the lower tribunal or court	72.7% 48	19.7% 13	3.0% 2	1.5% 1	3.0% 2
5. The judge writes opinions that clearly set forth any rules of law to be used in future cases	70.8% 46	16.9% 11	7.7% 5	1.5% 1	3.1% 2
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	76.9% 50	15.4% 10	3.1% 2	1.5% 1	3.1% 2
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	78.8% 52	12.1% 8	6.1% 4	0.0% 0	3.0% 2
8. The judge writes separate opinions that are appropriate in tone	80.0% 40	12.0% 6	4.0% 2	0.0% 0	4.0% 2
9. The judge writes opinions that are clear	71.2% 47	21.2% 14	4.5% 3	0.0% 0	3.0% 2
10. The judge writes opinions in which the legal reasoning is easy to follow	72.7% 48	18.2% 12	4.5% 3	1.5% 1	3.0% 2

Evaluation of Chief Judge Marla Graff Decker: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	60	75.9%
	Good	11	13.9%
	Needs Improvement	4	5.1%
	Unsatisfactory	4	5.1%
In general, over the last three years, has the judge's overall court-related performance become...	Better	6	11.1%
	Worse	1	1.9%
	Stayed the Same	47	87.0%

PART I
SECTION B

CIRCUIT COURT JUDGE SURVEYS

Evaluation of Chief Judge Marla Graff Decker: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge writes opinions that exhibit the proper application of judicial precedents	84.7% 61	11.1% 8	2.8% 2	0.0% 0	1.4% 1
2. The judge writes opinions that adequately explain the basis of the court's decision	84.7% 61	15.3% 11	0.0% 0	0.0% 0	0.0% 0
3. The judge writes opinions that provide an applicable standard of review for the case, if any	78.9% 56	19.7% 14	1.4% 1	0.0% 0	0.0% 0
4. The judge writes opinions that provide clear direction to the lower tribunal or court	74.6% 53	22.5% 16	2.8% 2	0.0% 0	0.0% 0
5. The judge writes opinions that clearly set forth any rules of law to be used in future cases	81.4% 57	15.7% 11	2.9% 2	0.0% 0	0.0% 0
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	80.6% 58	18.1% 13	1.4% 1	0.0% 0	0.0% 0
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	83.1% 59	15.5% 11	1.4% 1	0.0% 0	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	84.7% 50	11.9% 7	3.4% 2	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	81.7% 58	15.5% 11	2.8% 2	0.0% 0	0.0% 0
10. The judge writes opinions in which the legal reasoning is easy to follow	81.7% 58	15.5% 11	2.8% 20	0.0% 0	0.0% 0

Evaluation of Chief Judge Marla Graff Decker: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	66	93.0%
	Good	5	7.0%
	Needs Improvement	0	0.0%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	8	12.7%
	Worse	0	0.0%
	Stayed the Same	55	87.3%

PART I
SECTION C

COMBINED SURVEYS:
ATTORNEYS AND CIRCUIT COURT JUDGES

Evaluation of Judge Marla Graff Decker: Evaluation Summary

Performance Factor: Written Opinions	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge writes opinions that exhibit the proper application of judicial precedents	75.4% 104	18.1% 25	3.6% 5	1.4% 2	1.4% 2
2. The judge writes opinions that adequately explain the basis of the court's decision	79.7% 110	17.4% 24	0.7% 1	1.4% 2	0.7% 1
3. The judge writes opinions that provide an applicable standard of review for the case, if any	80.9% 110	14.7% 20	2.2% 3	1.5% 2	0.7% 1
4. The judge writes opinions that provide clear direction to the lower tribunal or court	73.7% 101	21.2% 29	2.9% 4	0.7% 1	1.5% 2
5. The judge writes opinions that clearly set forth any rules of law to be used in future cases	76.3% 103	16.3% 22	5.2% 7	0.7% 1	1.5% 2
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	78.8% 108	16.8% 23	2.2% 3	0.7% 1	1.5% 2
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	81.0% 111	13.9% 19	3.6% 5	0.0% 0	1.5% 2
8. The judge writes separate opinions that are appropriate in tone	82.6% 90	11.9% 13	3.7% 4	0.0% 0	1.8% 2
9. The judge writes opinions that are clear	76.6% 105	18.2% 25	3.6% 5	0.0% 0	1.5% 2
10. The judge writes opinions in which the legal reasoning is easy to follow	77.4% 106	16.8% 23	3.6% 5	0.7% 1	1.5% 2

Evaluation of Judge Marla Graff Decker: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	126	84.0%
	Good	16	10.7%
	Needs Improvement	4	2.7%
	Unsatisfactory	4	2.7%
In general, over the last three years, has the judge's overall court-related performance become...	Better	14	12.0 %
	Worse	1	0.9%
	Stayed the Same	102	87.2%

PART II

OPINION REVIEW
BY
APPELLATE OPINION REVIEW COMMITTEE

**Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Brewer v. Commonwealth**

Performance Factor: Legal Analysis and Reasoning

The opinion adequately explains the basis of the court's decision	Agree
---	-------

The opinion provides an applicable standard of review for the case	Agree
--	-------

The opinion clearly sets forth rules of law, if any, to be used in future cases	Agree
---	-------

The opinion provides clear direction to the trial courts	Agree
--	-------

**Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Brewer v. Commonwealth**

Performance Factor: Fairness

(No Data reported for Performance Factor: Fairness, as this was not a concurring or dissenting opinion)

**Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Brewer v. Commonwealth**

Performance Factors: Clarity

The opinion is clear	Agree
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The opinion adequately summarizes the relevant facts in the case	Agree
--	-------

The opinion's legal reasoning is easy to follow	Agree
---	-------

Comments: The committee thought that this opinion will provide guidance to the bench and bar on social media issues.

Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Dixon v. Dixon

Performance Factor: Legal Analysis and Reasoning	
The opinion adequately explains the basis of the court's decision	Partly Agree/Partly Disagree
The opinion provides an applicable standard of review for the case	Agree
The opinion clearly sets forth rules of law, if any, to be used in future cases	Agree
The opinion provides clear direction to the trial courts	Agree
Comments: The committee thought that the opinion could have been improved if Judge Decker explained why the Court of Appeals was not awarding the wife her attorneys' fees for the appeal.	

Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Dixon v. Dixon

Performance Factor: Fairness	
(No Data reported for Performance Factor: Fairness, as this was not a concurring or dissenting opinion)	

Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Dixon v. Dixon

Performance Factors: Clarity	
The opinion is clear	Agree
The opinion adequately summarizes the relevant facts in the case	Agree
The opinion's legal reasoning is easy to follow	Agree

Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Yahner v. Fire-X Corporation, et al.

Performance Factor: Legal Analysis and Reasoning	
The opinion adequately explains the basis of the court's decision	Agree
The opinion provides an applicable standard of review for the case	Agree
The opinion clearly sets forth rules of law, if any, to be used in future cases	Agree
The opinion provides clear direction to the trial courts	Agree
Comments: The committee gave Chief Judge Decker high marks for this opinion: "straightforward, well-explained, clear, perfect."	

Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Yahner v. Fire-X Corporation, et al.

Performance Factor: Fairness	
(No Data reported for Performance Factor: Fairness, as this was not a concurring or dissenting opinion)	

Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Yahner v. Fire-X Corporation, et al.

Performance Factors: Clarity	
The opinion is clear	Agree
The opinion adequately summarizes the relevant facts in the case	Agree
The opinion's legal reasoning is easy to follow	Agree

Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Green v. Commonwealth

Performance Factor: Legal Analysis and Reasoning	
The opinion adequately explains the basis of the court's decision	Agree
The opinion provides an applicable standard of review for the case	Agree
The opinion clearly sets forth rules of law, if any, to be used in future cases	Agree
The opinion provides clear direction to the trial courts	Agree
Comments: The committee's comments on this opinion included "excellent, well-written, concise, an important case, and really good."	

Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Green v. Commonwealth

Performance Factor: Fairness	
(No Data reported for Performance Factor: Fairness, as this was not a concurring or dissenting opinion)	

Evaluation of Chief Judge Marla Graff Decker: Opinion Review
Case Name: Green v. Commonwealth

Performance Factors: Clarity	
The opinion is clear	Agree
The opinion adequately summarizes the relevant facts in the case	Agree
The opinion's legal reasoning is easy to follow	Agree

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Steven C. Frucci

Judge of the Circuit Court
2nd Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 169 completed surveys for Judge Steven C. Frucci for groups other than jurors, and a total of 3 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Steven C. Frucci: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	74.9% 125	19.8% 33	5.4% 9	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	85.8% 145	11.2% 19	3.0% 5	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	86.8% 145	12.0% 20	1.2% 2	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	86.8% 145	11.4% 19	1.8% 3	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	86.4% 146	10.7% 18	3.0% 5	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	88.0% 146	11.5% 19	0.6% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	87.5% 147	10.1% 17	1.8% 3	0.6% 1	0.0% 0
8. The judge exhibits fairness to all parties	84.5% 142	11.9% 20	3.6% 6	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	83.7% 139	13.3% 22	3.0% 5	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	92.6% 125	7.4% 10	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	89.8% 149	10.2% 17	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	90.4% 151	9.0% 15	0.6% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	82.5% 132	14.4% 23	3.1% 5	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	79.5% 128	17.4% 28	3.1% 5	0.0% 0	0.0% 0
15. The judge is faithful to the law	80.9% 127	15.9% 25	3.2% 5	0.0% 0	0.0% 0
16. The judge communicates effectively	83.9% 141	11.3% 19	4.8% 8	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	82.6% 138	16.2% 27	1.2% 2	0.0% 0	0.0% 0
18. The judge's decisions are clear	79.8% 134	17.3% 29	3.0% 5	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	88.2% 142	9.3% 15	2.5% 4	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	84.8% 139	13.4% 22	1.8% 3	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	84.9% 141	14.5% 24	0.6% 1	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Steven C. Frucci: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	140	83.3%
	Good	24	14.3%
	Needs Improvement	4	2.4%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	14	9.8%
	Worse	0	0.0%
	Stayed the Same	129	90.2%

PART B: Juror Evaluation of Steven C. Frucci: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	3 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



Virginia Criminal Sentencing Commission

100 North Ninth Street • Richmond, Virginia 23219 • Tel. 804.225.4398 • FAX 804.786.3934 •
Websites: www.vcsc.virginia.gov • mobile.vcsc.virginia.gov

ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Steven C. Frucci
2nd Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	144	26	0
2016	160	27	0
2017	132	30	0
2018	150	35	0
2019	129	29	0
2020	155	26	0
2021	157	43	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable James Clayton Lewis

Judge of the Circuit Court
2nd Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

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The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

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III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 170 completed surveys for Judge James Clayton Lewis for groups other than jurors, and a total of 8 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge James Clayton Lewis: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	47.3% 80	36.7% 62	13.0% 22	3.0% 5	0.0% 0
2. The judge is courteous in the courtroom	58.8% 100	25.9% 44	12.9% 22	2.4% 4	0.0% 0
3. The judge is conscientious in the performance of judicial duties	69.1% 112	21.0% 34	7.4% 12	2.5% 4	0.0% 0
4. The judge is diligent in the performance of judicial duties	67.3% 111	21.8% 36	9.1% 15	1.8% 3	0.0% 0
5. The judge shows respect for all court participants	67.3% 113	19.1% 32	9.5% 16	3.6% 6	0.6% 1
6. The judge requires court participants to display respect toward one another	69.6% 112	23.0% 37	6.2% 10	1.2% 2	0.0% 0
7. The judge is attentive to the proceedings	69.2% 117	20.1% 34	8.3% 14	2.4% 4	0.0% 0
8. The judge exhibits fairness to all parties	67.3% 113	17.9% 30	11.3% 19	3.6% 6	0.0% 0
9. The judge treats all parties in an impartial manner	65.9% 110	16.8% 28	13.2% 22	3.6% 6	0.6% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	85.6% 101	10.2% 12	4.2% 5	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	83.1% 138	15.7% 26	1.2% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	78.3% 130	17.5% 29	4.2% 7	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	66.2% 104	20.4% 32	10.2% 16	3.2% 5	0.0% 0
14. The judge displays knowledge of the law	61.6% 98	25.8% 41	9.4% 15	3.1% 5	0.0% 0
15. The judge is faithful to the law	64.5% 100	23.2% 36	9.0% 14	3.2% 5	0.0% 0
16. The judge communicates effectively	70.2% 118	20.8% 35	7.7% 13	1.2% 2	0.0% 0
17. The judge is prompt in rendering decisions	79.0% 128	16.1% 26	4.3% 7	0.6% 1	0.0% 0
18. The judge's decisions are clear	73.2% 120	19.5% 32	6.1% 10	1.2% 2	0.0% 0
19. The judge performs judicial duties without bias or prejudice	73.1% 117	16.3% 26	6.9% 11	3.8% 6	0.0% 0
20. The judge convenes court without undue delay	80.1% 129	15.5% 25	4.4% 7	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	77.1% 128	19.3% 32	3.0% 5	0.6% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of James Clayton Lewis: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	109	64.5%
	Good	38	22.5%
	Needs Improvement	18	10.7%
	Unsatisfactory	4	2.4%
In general, over the last three years, has the judge's overall court-related performance become...	Better	20	15.3%
	Worse	3	2.3%
	Stayed the Same	108	82.4%

PART B: Juror Evaluation of James Clayton Lewis: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	87.5% 7	12.5% 1	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	87.5% 7	12.5% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	8 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



Virginia Criminal Sentencing Commission

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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable James C. Lewis
2nd Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	59	18	0
2016	105	21	0
2017	165	39	0
2018	134	25	0
2019	179	28	0
2020	137	34	0
2021	207	51	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable David W. Lannetti

Judge of the Circuit Court
4th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 126 completed surveys for Judge David W. Lannetti for groups other than jurors, and a total of 3 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge David W. Lannetti: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	69.8% 88	25.4% 32	4.0% 5	0.8% 1	0.0% 0
2. The judge is courteous in the courtroom	77.8% 98	19.8% 25	2.4% 3	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	82.4% 103	16.0% 20	1.6% 2	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	84.0% 105	15.2% 19	0.8% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	80.2% 101	15.9% 20	4.0% 5	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	76.2% 93	20.5% 25	3.3% 4	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	82.4% 103	15.2% 19	2.4% 3	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	77.8% 98	15.9% 20	5.6% 7	0.8% 1	0.0% 0
9. The judge treats all parties in an impartial manner	80.0% 100	15.2% 19	4.0% 5	0.8% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	86.7% 91	12.4% 13	1.0% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	80.8% 101	19.2% 24	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	82.3% 102	16.9% 21	0.8% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	73.7% 87	22.0% 26	4.2% 5	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	71.2% 84	18.6% 22	7.6% 9	2.5% 3	0.0% 0
15. The judge is faithful to the law	68.6% 81	23.7% 28	5.1% 6	2.5% 3	0.0% 0
16. The judge communicates effectively	75.8% 94	20.2% 25	2.4% 3	1.6% 2	0.0% 0
17. The judge is prompt in rendering decisions	76.9% 93	19.0% 23	2.5% 3	0.8% 1	0.8% 1
18. The judge's decisions are clear	75.8% 94	20.2% 25	3.2% 4	0.8% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	81.2% 99	13.9% 17	4.1% 5	0.8% 1	0.0% 0
20. The judge convenes court without undue delay	80.0% 100	19.2% 24	0.0% 0	0.8% 1	0.0% 0
21. The judge uses courtroom time efficiently	78.4% 98	19.2% 24	1.6% 2	0.0% 0	0.8% 1

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of David W. Lannetti: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	93	74.4%
	Good	24	19.2%
	Needs Improvement	6	4.8%
	Unsatisfactory	2	1.6%
In general, over the last three years, has the judge's overall court-related performance become...	Better	17	18.3%
	Worse	1	1.1%
	Stayed the Same	75	80.7%

PART B: Juror Evaluation of David W. Lannetti: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	3 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable David W. Lannetti
4th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge’s term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	35	7	0
2016	137	32	1
2017	130	21	0
2018	99	20	0
2019	167	42	1
2020	89	25	0
2021	87	22	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Lawson Wayne Farmer

Judge of the Circuit Court
5th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 127 completed surveys for Judge Lawson Wayne Farmer for groups other than jurors, and a total of 5 completed juror surveys.

PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Lawson Wayne Farmer: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	83.5% 106	15.0% 19	0.8% 1	0.8% 1	0.0% 0
2. The judge is courteous in the courtroom	92.9% 118	6.3% 8	0.8% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	92.1% 116	7.1% 9	0.0% 0	0.8% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	91.3% 115	7.1% 9	1.6% 2	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	92.9% 118	5.5% 7	0.8% 1	0.8% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	88.0% 110	10.4% 13	1.6% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	91.3% 116	7.9% 10	0.0% 0	0.8% 1	0.0% 0
8. The judge exhibits fairness to all parties	88.0% 110	10.4% 13	0.8% 1	0.0% 0	0.8% 1
9. The judge treats all parties in an impartial manner	89.7% 113	7.9% 10	1.6% 2	0.0% 0	0.8% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	95.9% 94	3.1% 3	1.0% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	90.6% 115	8.7% 11	0.8% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	89.6% 112	9.6% 12	0.8% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	88.7% 102	9.6% 11	0.9% 1	0.9% 1	0.0% 0
14. The judge displays knowledge of the law	87.6% 99	11.5% 13	0.0% 0	0.9% 1	0.0% 0
15. The judge is faithful to the law	88.4% 99	9.8% 11	0.9% 1	0.9% 1	0.0% 0
16. The judge communicates effectively	92.1% 116	7.1% 9	0.0% 0	0.8% 1	0.0% 0
17. The judge is prompt in rendering decisions	89.3% 109	8.2% 10	2.5% 3	0.0% 0	0.0% 0
18. The judge's decisions are clear	89.7% 113	8.7% 11	1.6% 2	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	91.2% 114	7.2% 9	0.8% 1	0.8% 1	0.0% 0
20. The judge convenes court without undue delay	85.6% 107	12.8% 16	1.6% 2	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	88.1% 111	9.5% 12	2.4% 3	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Lawson Wayne Farmer: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	115	92.0%
	Good	8	6.4%
	Needs Improvement	2	1.6%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	16	16.7%
	Worse	0	0.0%
	Stayed the Same	80	83.3%

PART B: Juror Evaluation of Lawson Wayne Farmer: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	80.0% 4	20.0% 1	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	80.0% 4	20.0% 1	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	5 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Lawson Wayne Farmer
5th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	56	23	0
2016	155	59	0
2017	160	51	0
2018	157	56	0
2019	138	47	0
2020	71	19	0
2021	146	43	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Robert H. Sandwich, Jr.

Judge of the Circuit Court
5th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 127 completed surveys for Judge Robert H. Sandwich, Jr. No surveys were completed by jurors.

PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Robert H. Sandwich, Jr.: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	81.9% 104	15.8% 20	2.4% 3	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	85.8% 109	12.6% 16	1.6% 2	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	87.2% 109	12.8% 16	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	86.5% 109	13.5% 17	0.0% 0	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	85.8% 109	14.2% 18	0.0% 0	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	87.8% 108	12.2% 15	0.0% 0	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	91.3% 115	8.7% 11	0.0% 0	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	87.3% 110	10.3% 13	2.4% 3	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	88.0% 110	9.6% 12	2.4% 3	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	89.9% 89	9.1% 9	1.0% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	88.2% 112	11.8% 15	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	89.7% 113	10.3% 13	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	86.6% 97	9.8% 11	3.6% 4	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	80.5% 91	16.8% 19	2.7% 3	0.0% 0	0.0% 0
15. The judge is faithful to the law	83.0% 93	13.4% 15	3.6% 4	0.0% 0	0.0% 0
16. The judge communicates effectively	88.2% 112	10.2% 13	1.6% 2	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	88.0% 110	11.2% 14	0.8% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	87.2% 109	12.0% 15	0.8% 1	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	88.7% 110	9.7% 12	1.6% 2	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	87.2% 109	12.8% 16	0.0% 0	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	86.4% 108	12.8% 16	0.8% 1	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Robert H. Sandwich, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	108	86.4%
	Good	15	12.0%
	Needs Improvement	2	1.6%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	21	19.6%
	Worse	1	0.9%
	Stayed the Same	85	79.4%

PART B: Juror Evaluation of Robert H. Sandwich, Jr.: Evaluation Summary

No surveys were received from jurors for Judge Sandwich.



Virginia Criminal Sentencing Commission

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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Robert H. Sandwich, Jr.
5th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	128	40	0
2016	164	50	0
2017	130	39	0
2018	97	32	0
2019	169	34	0
2020	109	33	0
2021	81	40	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Bryant L. Sugg

Judge of the Circuit Court
7th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 153 completed surveys for Judge Bryant L. Sugg for groups other than jurors, and a total of 8 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Bryant L. Sugg: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	86.8% 132	12.5% 19	0.7% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	89.5% 136	9.9% 15	0.7% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	81.7% 125	15.0% 23	3.3% 5	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	78.0% 117	15.3% 23	6.0% 9	0.7% 1	0.0% 0
5. The judge shows respect for all court participants	89.5% 137	7.8% 12	2.0% 3	0.7% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	83.5% 121	15.2% 22	1.4% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	84.3% 129	11.8% 18	3.3% 5	0.7% 1	0.0% 0
8. The judge exhibits fairness to all parties	85.6% 131	9.2% 14	5.2% 8	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	84.2% 128	9.2% 14	5.9% 9	0.7% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	86.1% 105	10.7% 13	3.3% 4	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	78.0% 117	19.3% 29	2.0% 3	0.7% 1	0.0% 0
12. The judge expects professional behavior of court participants	83.9% 125	13.4% 20	2.7% 4	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	84.7% 122	13.2% 19	2.1% 3	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	70.8% 102	17.4% 25	10.4% 15	1.4% 2	0.0% 0
15. The judge is faithful to the law	73.9% 102	15.9% 22	9.4% 13	0.7% 1	0.0% 0
16. The judge communicates effectively	73.0% 111	20.4% 31	4.0% 6	2.6% 4	0.0% 0
17. The judge is prompt in rendering decisions	71.2% 104	17.8% 26	8.2% 12	2.7% 4	0.0% 0
18. The judge's decisions are clear	73.5% 108	19.1% 28	4.8% 7	2.7% 4	0.0% 0
19. The judge performs judicial duties without bias or prejudice	84.8% 123	10.3% 15	4.1% 6	0.7% 1	0.0% 0
20. The judge convenes court without undue delay	67.8% 101	24.8% 37	4.0% 6	2.7% 4	0.7% 1
21. The judge uses courtroom time efficiently	69.6% 103	21.0% 31	6.1% 9	2.0% 3	1.4% 2

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Bryant L. Sugg: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	112	75.2%
	Good	25	16.8%
	Needs Improvement	12	8.1%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	10	8.6%
	Worse	1	0.9%
	Stayed the Same	106	90.6%

PART B: Juror Evaluation of Bryant L. Sugg: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	8 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



Virginia Criminal Sentencing Commission

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Websites: www.vcsc.virginia.gov • mobile.vcsc.virginia.gov

ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Bryant L. Sugg
7th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	52	8	0
2016	98	10	0
2017	84	14	0
2018	80	8	0
2019	103	14	0
2020	70	5	0
2021	101	19	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable B. Elliott Bondurant

Judge of the Circuit Court
9th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 172 completed surveys for Judge B. Elliott Bondurant for groups other than jurors, and a total of 7 completed juror surveys.

PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge B. Elliott Bondurant: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	75.7% 128	20.1% 34	3.6% 6	0.6% 1	0.0% 0
2. The judge is courteous in the courtroom	87.7% 150	9.9% 17	1.2% 2	1.2% 2	0.0% 0
3. The judge is conscientious in the performance of judicial duties	87.1% 148	11.2% 19	1.8% 3	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	87.6% 148	10.7% 18	1.2% 2	0.6% 1	0.0% 0
5. The judge shows respect for all court participants	87.2% 150	9.9% 17	2.3% 4	0.6% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	87.2% 143	11.0% 18	1.8% 3	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	91.1% 154	7.7% 13	1.2% 2	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	82.3% 139	11.2% 19	5.3% 9	0.6% 1	0.6% 1
9. The judge treats all parties in an impartial manner	83.4% 141	10.7% 18	3.6% 6	1.8% 3	0.6% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	93.9% 107	4.4% 5	1.8% 2	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	92.3% 156	7.7% 13	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	91.6% 153	7.2% 12	1.2% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	78.5% 113	17.4% 25	4.2% 6	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	82.1% 119	15.2% 22	2.1% 3	0.7% 1	0.0% 0
15. The judge is faithful to the law	81.4% 118	14.5% 21	2.8% 4	1.4% 2	0.0% 0
16. The judge communicates effectively	88.2% 150	8.8% 15	2.9% 5	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	87.8% 144	11.0% 18	1.2% 2	0.0% 0	0.0% 0
18. The judge's decisions are clear	86.3% 145	11.3% 19	1.8% 3	0.6% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	86.3% 145	8.3% 14	3.6% 6	1.8% 3	0.0% 0
20. The judge convenes court without undue delay	91.0% 152	7.8% 13	1.2% 2	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	89.3% 150	10.1% 17	0.6% 1	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of B. Elliott Bondurant: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	140	83.3%
	Good	22	13.1%
	Needs Improvement	5	3.0%
	Unsatisfactory	1	0.6%
In general, over the last three years, has the judge's overall court-related performance become...	Better	22	17.2%
	Worse	1	0.8%
	Stayed the Same	105	82.0%

PART B: Juror Evaluation of B. Elliott Bondurant: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	71.4% 5	28.6% 2	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	85.7% 6	14.3% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	7 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Benjamin Elliott Bondurant
9th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	55	9	0
2016	95	25	0
2017	105	21	0
2018	125	29	1
2019	128	18	0
2020	94	15	0
2021	111	13	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Jeffrey W. Shaw

Judge of the Circuit Court
9th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

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II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 146 completed surveys for Judge Jeffrey W. Shaw for groups other than jurors, and a total of 12 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Jeffrey W. Shaw: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	68.5% 100	24.0% 35	6.9% 10	0.7% 1	0.0% 0
2. The judge is courteous in the courtroom	75.3% 110	19.2% 28	4.8% 7	0.7% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	77.8% 112	17.4% 25	4.2% 6	0.0% 0	0.7% 1
4. The judge is diligent in the performance of judicial duties	76.9% 110	18.2% 26	3.5% 5	0.7% 1	0.7% 1
5. The judge shows respect for all court participants	77.8% 112	13.9% 20	8.3% 12	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	73.5% 100	22.8% 31	2.9% 4	0.7% 1	0.0% 0
7. The judge is attentive to the proceedings	80.8% 118	14.4% 21	3.4% 5	1.4% 2	0.0% 0
8. The judge exhibits fairness to all parties	72.0% 103	18.2% 26	8.4% 12	1.4% 2	0.0% 0
9. The judge treats all parties in an impartial manner	75.0% 108	17.4% 25	6.3% 9	1.4% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	87.3% 96	10.9% 12	1.8% 2	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	79.9% 115	18.8% 27	1.4% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	80.4% 115	18.2% 26	0.7% 1	0.7% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	63.8% 81	26.0% 33	9.5% 12	0.0% 0	0.8% 1
14. The judge displays knowledge of the law	70.5% 91	19.4% 25	7.8% 10	1.6% 2	0.8% 1
15. The judge is faithful to the law	70.9% 90	18.1% 23	10.2% 13	0.0% 0	0.8% 1
16. The judge communicates effectively	72.6% 106	20.6% 30	6.2% 9	0.0% 0	0.7% 1
17. The judge is prompt in rendering decisions	78.5% 113	17.4% 25	3.5% 5	0.0% 0	0.7% 1
18. The judge's decisions are clear	76.6% 111	17.2% 25	4.8% 7	0.7% 1	0.7% 1
19. The judge performs judicial duties without bias or prejudice	79.6% 109	13.9% 19	5.8% 8	0.7% 1	0.0% 0
20. The judge convenes court without undue delay	78.9% 112	18.3% 26	1.4% 2	1.4% 2	0.0% 0
21. The judge uses courtroom time efficiently	73.8% 104	23.4% 33	2.1% 3	0.7% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Jeffrey W. Shaw: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	93	66.4%
	Good	33	23.6%
	Needs Improvement	13	9.3%
	Unsatisfactory	1	0.7%
In general, over the last three years, has the judge's overall court-related performance become...	Better	15	13.9%
	Worse	2	1.9%
	Stayed the Same	91	84.3%

PART B: Juror Evaluation of Jeffrey W. Shaw: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	91.7% 11	8.3% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 12	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 12	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 9	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 12	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 12	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 12	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 10	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	83.3% 10	16.7% 2	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 12	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 11	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	100.0% 10	0.0% 0	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	11 91.7%
	Good	1 8.3%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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The Honorable Jeffrey W. Shaw
9th Circuit

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Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	39	9	0
2016	125	32	0
2017	164	36	0
2018	176	50	0
2019	156	38	0
2020	173	44	0
2021	205	52	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Donald Carl Blessing

Judge of the Circuit Court
10th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 129 completed surveys for Judge Donald Carl Blessing for groups other than jurors, and a total of 4 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Donald Carl Blessing: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	69.0% 89	20.9% 27	8.5% 11	1.6% 2	0.0% 0
2. The judge is courteous in the courtroom	74.2% 95	16.4% 21	7.0% 9	2.3% 3	0.0% 0
3. The judge is conscientious in the performance of judicial duties	75.4% 95	15.9% 20	7.1% 9	1.6% 2	0.0% 0
4. The judge is diligent in the performance of judicial duties	76.2% 96	18.3% 23	4.0% 5	1.6% 2	0.0% 0
5. The judge shows respect for all court participants	74.2% 95	15.6% 20	7.8% 10	1.6% 2	0.8% 1
6. The judge requires court participants to display respect toward one another	79.2% 99	16.8% 21	4.0% 5	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	78.0% 99	15.8% 20	5.5% 7	0.8% 1	0.0% 0
8. The judge exhibits fairness to all parties	76.4% 97	14.2% 18	7.1% 9	2.4% 3	0.0% 0
9. The judge treats all parties in an impartial manner	71.7% 91	15.8% 20	9.5% 12	3.2% 4	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	78.8% 78	14.1% 14	5.1% 5	1.0% 1	1.0% 1
11. The judge maintains order in the courtroom	79.5% 101	19.7% 25	0.8% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	79.4% 100	18.3% 23	1.6% 2	0.8% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	76.1% 86	13.3% 15	8.0% 9	2.7% 3	0.0% 0
14. The judge displays knowledge of the law	75.7% 84	17.1% 19	5.4% 6	0.9% 1	0.9% 1
15. The judge is faithful to the law	78.4% 87	14.4% 16	6.3% 7	0.0% 0	0.9% 1
16. The judge communicates effectively	73.6% 95	20.2% 26	5.4% 7	0.8% 1	0.0% 0
17. The judge is prompt in rendering decisions	79.4% 100	18.3% 23	2.4% 3	0.0% 0	0.0% 0
18. The judge's decisions are clear	77.0% 97	17.5% 22	5.6% 7	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	77.9% 95	13.9% 17	5.7% 7	0.8% 1	1.6% 2
20. The judge convenes court without undue delay	80.5% 99	16.3% 20	2.4% 3	0.8% 1	0.0% 0
21. The judge uses courtroom time efficiently	72.0% 90	18.4% 23	8.8% 11	0.8% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Donald Carl Blessing: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	94	74.0%
	Good	22	17.3%
	Needs Improvement	8	6.3%
	Unsatisfactory	3	2.4%
In general, over the last three years, has the judge's overall court-related performance become...	Better	16	17.4%
	Worse	1	1.1%
	Stayed the Same	75	81.5%

PART B: Juror Evaluation of Donald Carl Blessing: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	75.0% 3	25.0% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	4 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



Virginia Criminal Sentencing Commission

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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Donald C. Blessing
10th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	98	21	0
2016	151	30	1
2017	188	36	0
2018	171	39	0
2019	143	35	0
2020	137	25	0
2021	149	32	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Joseph M. Teefey, Jr.

Judge of the Circuit Court
11th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 168 completed surveys for Judge Joseph M. Teefey, Jr. for groups other than jurors, and a total of 5 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Joseph M. Teefey, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	59.3% 99	29.9% 50	9.0% 15	1.2% 2	0.6% 1
2. The judge is courteous in the courtroom	69.6% 117	20.2% 34	7.7% 13	1.8% 3	0.6% 1
3. The judge is conscientious in the performance of judicial duties	76.5% 127	18.7% 31	3.0% 5	1.2% 2	0.6% 1
4. The judge is diligent in the performance of judicial duties	75.0% 126	19.6% 33	3.6% 6	1.8% 3	0.0% 0
5. The judge shows respect for all court participants	66.5% 111	20.4% 34	10.2% 17	3.0% 5	0.0% 0
6. The judge requires court participants to display respect toward one another	76.1% 124	20.3% 33	2.5% 4	0.6% 1	0.6% 1
7. The judge is attentive to the proceedings	79.0% 132	18.0% 30	2.4% 4	0.6% 1	0.0% 0
8. The judge exhibits fairness to all parties	70.7% 118	20.4% 34	6.0% 10	1.8% 3	1.2% 2
9. The judge treats all parties in an impartial manner	74.4% 122	18.3% 30	4.3% 7	1.8% 3	1.2% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	82.6% 109	14.4% 19	1.5% 2	0.0% 0	1.5% 2
11. The judge maintains order in the courtroom	81.4% 136	15.6% 26	3.0% 5	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	80.7% 134	17.5% 29	0.6% 1	0.6% 1	0.6% 1
13. The judge allows lawyers appropriate latitude in presentation of their case	66.7% 100	23.3% 35	8.0% 12	1.3% 2	0.7% 1
14. The judge displays knowledge of the law	72.6% 111	15.0% 23	11.1% 17	0.7% 1	0.7% 1
15. The judge is faithful to the law	67.3% 103	19.0% 29	10.5% 16	2.6% 4	0.7% 1
16. The judge communicates effectively	74.3% 124	20.4% 34	3.6% 6	1.8% 3	0.0% 0
17. The judge is prompt in rendering decisions	77.7% 129	20.5% 34	0.6% 1	1.2% 2	0.0% 0
18. The judge's decisions are clear	77.8% 130	16.2% 27	4.2% 7	1.2% 2	0.6% 1
19. The judge performs judicial duties without bias or prejudice	77.9% 127	13.5% 22	6.1% 10	1.2% 2	1.2% 2
20. The judge convenes court without undue delay	79.8% 130	17.2% 28	2.5% 4	0.6% 1	0.0% 0
21. The judge uses courtroom time efficiently	75.3% 125	21.1% 35	1.8% 3	1.8% 3	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Joseph M. Teefey, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	108	65.9%
	Good	35	21.3%
	Needs Improvement	15	9.2%
	Unsatisfactory	6	3.7%
In general, over the last three years, has the judge's overall court-related performance become...	Better	22	17.1%
	Worse	6	4.7%
	Stayed the Same	101	78.3%

PART B: Juror Evaluation of Joseph M. Teefey, Jr.: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	80.0% 4	20.0% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	60.0% 3	40.0% 2	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	60.0% 3	40.0% 2	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	80.0% 4	20.0% 1	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	80.0% 4	20.0% 1	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	75.0% 3	25.0% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	4 80.0%
	Good	1 20.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



Virginia Criminal Sentencing Commission

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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Joseph M. Teefey, Jr.
11th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	52	5	0
2016	83	16	0
2017	102	29	0
2018	79	9	0
2019	69	11	0
2020	69	14	0
2021	73	11	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Edward A. Robbins, Jr.

Judge of the Circuit Court
12th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
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on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



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II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 133 completed surveys for Judge Edward A. Robbins, Jr. for groups other than jurors, and a total of 16 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Edward A. Robbins, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	60.2% 80	31.6% 42	6.0% 8	2.3% 3	0.0% 0
2. The judge is courteous in the courtroom	74.4% 99	18.1% 24	5.3% 7	2.3% 3	0.0% 0
3. The judge is conscientious in the performance of judicial duties	76.7% 102	18.1% 24	4.5% 6	0.8% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	78.2% 104	15.8% 21	5.3% 7	0.8% 1	0.0% 0
5. The judge shows respect for all court participants	73.7% 98	17.3% 23	7.5% 10	0.8% 1	0.8% 1
6. The judge requires court participants to display respect toward one another	79.4% 100	16.7% 21	4.0% 5	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	82.7% 110	13.5% 18	3.8% 5	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	78.0% 103	13.6% 18	5.3% 7	3.0% 4	0.0% 0
9. The judge treats all parties in an impartial manner	74.8% 98	17.6% 23	5.3% 7	2.3% 3	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	89.1% 90	7.9% 8	3.0% 3	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	86.9% 113	10.0% 13	3.1% 4	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	86.3% 113	9.9% 13	3.8% 5	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	60.2% 68	23.9% 27	12.4% 14	1.8% 2	1.8% 2
14. The judge displays knowledge of the law	65.8% 75	25.4% 29	7.0% 8	1.8% 2	0.0% 0
15. The judge is faithful to the law	68.4% 78	21.9% 25	7.0% 8	1.8% 2	0.9% 1
16. The judge communicates effectively	63.2% 84	23.3% 31	11.3% 15	0.8% 1	1.5% 2
17. The judge is prompt in rendering decisions	78.5% 102	15.4% 20	6.2% 8	0.0% 0	0.0% 0
18. The judge's decisions are clear	72.0% 95	19.7% 26	6.8% 9	0.0% 0	1.5% 2
19. The judge performs judicial duties without bias or prejudice	77.3% 99	14.1% 18	5.5% 7	3.1% 4	0.0% 0
20. The judge convenes court without undue delay	79.7% 106	14.3% 19	4.5% 6	1.5% 2	0.0% 0
21. The judge uses courtroom time efficiently	67.7% 90	20.3% 27	7.5% 10	3.8% 5	0.8% 1

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Edward A. Robbins, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	81	61.8%
	Good	40	30.5%
	Needs Improvement	7	5.3%
	Unsatisfactory	3	2.3%
In general, over the last three years, has the judge's overall court-related performance become...	Better	6	6.1%
	Worse	3	3.0%
	Stayed the Same	90	90.9%

PART B: Juror Evaluation of Edward A. Robbins, Jr.: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	93.8% 15	6.3% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 16	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 16	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	87.5% 14	12.5% 2	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	93.8% 15	6.3% 1	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 16	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 16	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	93.8% 15	6.3% 1	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	93.8% 15	6.3% 1	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 15	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	86.7% 13	6.7% 1	6.7% 1	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	81.3% 13	18.8% 3	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	15 93.8%
	Good	1 6.3%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Edward A. Robbins, Jr.
12th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	79	21	0
2016	122	29	0
2017	194	32	0
2018	227	53	0
2019	155	39	0
2020	110	20	0
2021	137	30	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Lynn S. Brice

Judge of the Circuit Court
12th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 178 completed surveys for Judge Lynn S. Brice for groups other than jurors, and a total of 4 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Lynn S. Brice: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	40.1% 71	35.6% 63	17.0% 30	5.7% 10	1.7% 3
2. The judge is courteous in the courtroom	50.0% 89	29.8% 53	13.5% 24	5.1% 9	1.7% 3
3. The judge is conscientious in the performance of judicial duties	63.6% 112	20.5% 36	11.9% 21	3.4% 6	0.6% 1
4. The judge is diligent in the performance of judicial duties	61.4% 108	23.9% 42	12.5% 22	1.1% 2	1.1% 2
5. The judge shows respect for all court participants	51.4% 91	26.0% 46	13.6% 24	6.2% 11	2.8% 5
6. The judge requires court participants to display respect toward one another	69.0% 118	22.8% 39	5.3% 9	1.2% 2	1.8% 3
7. The judge is attentive to the proceedings	72.9% 129	19.8% 35	5.7% 10	0.0% 0	1.7% 3
8. The judge exhibits fairness to all parties	59.9% 106	22.0% 39	10.7% 19	5.7% 10	1.7% 3
9. The judge treats all parties in an impartial manner	58.5% 103	22.7% 40	10.8% 19	5.7% 10	2.3% 4
10. The judge avoids inappropriate <i>ex parte</i> communications	78.7% 111	15.6% 22	2.8% 4	2.1% 3	0.7% 1
11. The judge maintains order in the courtroom	83.0% 146	13.6% 24	1.7% 3	0.6% 1	1.1% 2
12. The judge expects professional behavior of court participants	81.8% 144	13.1% 23	2.3% 4	1.7% 3	1.1% 2
13. The judge allows lawyers appropriate latitude in presentation of their case	50.3% 83	29.7% 49	11.5% 19	6.1% 10	2.4% 4
14. The judge displays knowledge of the law	60.0% 99	26.7% 44	9.1% 15	1.8% 3	2.4% 4
15. The judge is faithful to the law	59.2% 97	25.0% 41	11.6% 19	1.8% 3	2.4% 4
16. The judge communicates effectively	65.1% 114	22.3% 39	10.3% 18	1.1% 2	1.1% 2
17. The judge is prompt in rendering decisions	65.5% 116	24.9% 44	8.5% 15	0.0% 0	1.1% 2
18. The judge's decisions are clear	68.4% 121	24.9% 44	4.5% 8	0.6% 1	1.7% 3
19. The judge performs judicial duties without bias or prejudice	64.4% 112	20.7% 36	7.5% 13	4.6% 8	2.9% 5
20. The judge convenes court without undue delay	63.2% 110	25.9% 45	7.5% 13	2.3% 4	1.2% 2
21. The judge uses courtroom time efficiently	65.5% 114	24.7% 43	6.9% 12	0.6% 1	2.3% 4

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Lynn S. Brice: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	99	56.3%
	Good	44	25.0%
	Needs Improvement	25	14.2%
	Unsatisfactory	8	4.6%
In general, over the last three years, has the judge's overall court-related performance become...	Better	12	8.3%
	Worse	13	9.0%
	Stayed the Same	120	82.8%

PART B: Juror Evaluation of Lynn S. Brice: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	75.0% 3	25.0% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 3	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	4 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



Virginia Criminal Sentencing Commission

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Websites: www.vcsc.virginia.gov • mobile.vcsc.virginia.gov

ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Lynn S. Brice
12th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	48	6	0
2016	159	32	0
2017	193	35	0
2018	181	37	0
2019	130	31	0
2020	126	25	0
2021	61	10	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable David E. Johnson

Judge of the Circuit Court
12th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
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II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 172 completed surveys for Judge David E. Johnson for groups other than jurors, and a total of 34 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge David E. Johnson: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	45.9% 79	37.8% 65	11.6% 20	4.1% 7	0.6% 1
2. The judge is courteous in the courtroom	55.0% 94	30.4% 52	10.5% 18	2.9% 5	1.2% 2
3. The judge is conscientious in the performance of judicial duties	73.4% 124	20.1% 34	4.7% 8	0.6% 1	1.2% 2
4. The judge is diligent in the performance of judicial duties	73.5% 125	21.2% 36	3.5% 6	0.6% 1	1.2% 2
5. The judge shows respect for all court participants	60.5% 104	25.0% 43	9.9% 17	3.5% 6	1.2% 2
6. The judge requires court participants to display respect toward one another	70.6% 115	21.5% 35	4.9% 8	1.8% 3	1.2% 2
7. The judge is attentive to the proceedings	78.1% 132	19.5% 33	1.8% 3	0.6% 1	0.0% 0
8. The judge exhibits fairness to all parties	61.1% 105	23.8% 41	11.6% 20	2.3% 4	1.2% 2
9. The judge treats all parties in an impartial manner	61.2% 104	20.0% 34	14.1% 24	2.4% 4	2.4% 4
10. The judge avoids inappropriate <i>ex parte</i> communications	85.8% 109	11.8% 15	0.8% 1	0.0% 0	1.6% 2
11. The judge maintains order in the courtroom	86.4% 146	11.2% 19	1.2% 2	0.6% 1	0.6% 1
12. The judge expects professional behavior of court participants	86.1% 143	10.2% 17	2.4% 4	0.6% 1	0.6% 1
13. The judge allows lawyers appropriate latitude in presentation of their case	68.5% 102	22.2% 33	6.0% 9	2.7% 4	0.7% 1
14. The judge displays knowledge of the law	63.3% 95	22.0% 33	10.0% 15	3.3% 5	1.3% 2
15. The judge is faithful to the law	63.8% 95	19.5% 29	13.4% 20	2.7% 4	0.7% 1
16. The judge communicates effectively	69.0% 118	23.4% 40	5.9% 10	1.2% 2	0.6% 1
17. The judge is prompt in rendering decisions	71.6% 121	23.1% 39	5.3% 9	0.0% 0	0.0% 0
18. The judge's decisions are clear	71.8% 122	21.2% 36	6.5% 11	0.0% 0	0.6% 1
19. The judge performs judicial duties without bias or prejudice	64.2% 106	19.4% 32	10.9% 18	4.2% 7	1.2% 2
20. The judge convenes court without undue delay	80.0% 136	16.5% 28	2.4% 4	0.6% 1	0.6% 1
21. The judge uses courtroom time efficiently	76.0% 130	16.4% 28	5.9% 10	0.6% 1	1.2% 2

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of David E. Johnson: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	101	59.4%
	Good	44	25.9%
	Needs Improvement	16	9.4%
	Unsatisfactory	9	5.3%
In general, over the last three years, has the judge's overall court-related performance become...	Better	23	17.0%
	Worse	10	7.4%
	Stayed the Same	102	75.6%

PART B: Juror Evaluation of David E. Johnson: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	82.4% 28	17.7% 6	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	97.1% 33	2.9% 1	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	97.1% 33	2.9% 1	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	96.9% 31	0.0% 0	0.0% 0	0.0% 0	3.1% 1
5. The judge is attentive to the proceedings	94.1% 32	5.9% 2	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 34	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 34	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 33	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	94.1% 32	5.9% 2	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 33	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	91.2% 31	8.8% 3	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	91.2% 31	8.8% 3	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	32 97.0%
	Good	1 3.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable David E. Johnson
12th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	137	25	0
2016	231	48	0
2017	256	37	0
2018	223	44	0
2019	234	39	0
2020	277	58	0
2021	227	73	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable William R. Marchant

Judge of the Circuit Court
13th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

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II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 118 completed surveys for Judge William R. Marchant for groups other than jurors, and a total of 31 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge William R. Marchant: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	57.3% 67	22.2% 26	18.0% 21	2.6% 3	0.0% 0
2. The judge is courteous in the courtroom	68.1% 79	19.0% 22	11.2% 13	1.7% 2	0.0% 0
3. The judge is conscientious in the performance of judicial duties	73.5% 86	17.1% 20	7.7% 9	1.7% 2	0.0% 0
4. The judge is diligent in the performance of judicial duties	71.3% 82	21.7% 25	6.1% 7	0.9% 1	0.0% 0
5. The judge shows respect for all court participants	70.9% 83	15.4% 18	9.4% 11	4.3% 5	0.0% 0
6. The judge requires court participants to display respect toward one another	72.3% 81	20.5% 23	6.3% 7	0.9% 1	0.0% 0
7. The judge is attentive to the proceedings	80.5% 95	14.4% 17	4.2% 5	0.9% 1	0.0% 0
8. The judge exhibits fairness to all parties	71.6% 83	14.7% 17	9.5% 11	3.5% 4	0.9% 1
9. The judge treats all parties in an impartial manner	72.4% 84	17.2% 20	5.2% 6	4.3% 5	0.9% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	85.9% 79	12.0% 11	2.2% 2	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	86.0% 98	13.2% 15	0.9% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	81.0% 94	17.2% 20	0.9% 1	0.9% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	67.9% 76	14.3% 16	12.5% 14	4.5% 5	0.9% 1
14. The judge displays knowledge of the law	66.7% 76	18.4% 21	11.4% 13	3.5% 4	0.0% 0
15. The judge is faithful to the law	68.8% 77	16.1% 18	14.3% 16	0.0% 0	0.9% 1
16. The judge communicates effectively	75.4% 89	14.4% 17	7.6% 9	2.5% 3	0.0% 0
17. The judge is prompt in rendering decisions	74.8% 86	22.6% 26	2.6% 3	0.0% 0	0.0% 0
18. The judge's decisions are clear	73.0% 84	21.7% 25	4.4% 5	0.9% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	74.1% 83	10.7% 12	11.6% 13	3.6% 4	0.0% 0
20. The judge convenes court without undue delay	83.2% 94	15.9% 18	0.9% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	76.1% 89	18.8% 22	5.1% 6	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of William R. Marchant: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	82	70.7%
	Good	19	16.4%
	Needs Improvement	12	10.3%
	Unsatisfactory	3	2.6%
In general, over the last three years, has the judge's overall court-related performance become...	Better	13	18.1%
	Worse	3	4.2%
	Stayed the Same	56	77.8%

PART B: Juror Evaluation of William R. Marchant: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	71.0% 22	25.8% 8	0.0% 0	3.2% 1	0.0% 0
2. The judge is courteous in the courtroom	87.1% 27	9.7% 3	3.2% 1	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	83.9% 26	9.7% 3	6.5% 2	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	86.2% 25	13.8% 4	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	90.0% 27	6.7% 2	3.3% 1	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	90.3% 28	9.7% 3	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	87.1% 27	12.9% 4	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	93.3% 28	6.7% 2	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	77.4% 24	12.9% 4	9.7% 3	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	90.3% 28	9.7% 3	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	58.1% 18	29.0% 9	9.7% 3	3.2% 1	0.0% 0
12. The judge uses courtroom time efficiently	67.7% 21	19.4% 6	9.7% 3	3.2% 1	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	27 87.1%
	Good	3 9.7%
	Needs Improvement	1 3.2%
	Unsatisfactory	0 0.0%



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Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	74	34	1
2016	124	53	1
2017	100	47	0
2018	101	38	0
2019	96	44	0
2020	74	24	0
2021	69	24	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable C. N. Jenkins, Jr.

Judge of the Circuit Court
13th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

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2021



I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 97 completed surveys for Judge C. N. Jenkins, Jr. for groups other than jurors, and a total of 15 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge C. N. Jenkins, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	65.6% 63	32.3% 31	2.1% 2	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	82.3% 79	16.7% 16	1.0% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	69.5% 66	23.2% 22	3.2% 3	4.2% 4	0.0% 0
4. The judge is diligent in the performance of judicial duties	67.4% 64	22.1% 21	7.4% 7	2.1% 2	1.1% 1
5. The judge shows respect for all court participants	84.5% 82	14.4% 14	1.0% 1	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	75.3% 70	20.4% 19	4.3% 4	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	76.3% 74	20.6% 20	2.1% 2	1.0% 1	0.0% 0
8. The judge exhibits fairness to all parties	71.1% 69	21.7% 21	5.2% 5	1.0% 1	1.0% 1
9. The judge treats all parties in an impartial manner	71.1% 69	20.6% 20	6.2% 6	1.0% 1	1.0% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	89.6% 69	10.4% 8	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	87.2% 82	12.8% 12	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	83.0% 78	14.9% 14	2.1% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	74.5% 70	19.2% 18	5.3% 5	1.1% 1	0.0% 0
14. The judge displays knowledge of the law	57.7% 56	22.7% 22	15.5% 15	3.1% 3	1.0% 1
15. The judge is faithful to the law	58.3% 56	25.0% 24	11.5% 11	4.2% 4	1.0% 1
16. The judge communicates effectively	68.8% 66	22.9% 22	5.2% 5	3.1% 3	0.0% 0
17. The judge is prompt in rendering decisions	61.5% 59	17.7% 17	17.7% 17	3.1% 3	0.0% 0
18. The judge's decisions are clear	62.9% 61	19.6% 19	14.4% 14	3.1% 3	0.0% 0
19. The judge performs judicial duties without bias or prejudice	78.5% 73	15.1% 14	3.2% 3	1.1% 1	2.2% 2
20. The judge convenes court without undue delay	41.5% 39	21.3% 20	20.2% 19	12.8% 12	4.3% 4
21. The judge uses courtroom time efficiently	55.2% 53	31.3% 30	10.4% 10	3.1% 3	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of C. N. Jenkins, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	60	62.5%
	Good	26	27.1%
	Needs Improvement	7	7.3%
	Unsatisfactory	3	3.1%
In general, over the last three years, has the judge's overall court-related performance become...	Better	8	11.1%
	Worse	2	2.8%
	Stayed the Same	62	86.1%

PART B: Juror Evaluation of C. N. Jenkins, Jr.: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 15	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 15	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 15	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 13	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	93.3% 14	6.7% 1	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	93.3% 14	6.7% 1	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	93.3% 14	0.0% 0	0.0% 0	0.0% 0	6.7% 1
8. The judge expects professional behavior of court participants	100.0% 15	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	86.7% 13	6.7% 1	6.7% 1	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	92.9% 13	7.1% 1	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	73.3% 11	26.7% 4	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	73.3% 11	26.7% 4	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	15 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



Virginia Criminal Sentencing Commission

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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Clarence N. Jenkins, Jr.
13th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	126	69	0
2016	108	52	0
2017	119	50	0
2018	101	33	0
2019	97	42	0
2020	90	47	0
2021	49	28	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Lee A. Harris, Jr.

Judge of the Circuit Court
14th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 88 completed surveys for Judge Lee A. Harris, Jr. for groups other than jurors, and a total of 4 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Lee A. Harris, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	58.0% 51	29.6% 26	10.2% 9	1.1% 1	1.1% 1
2. The judge is courteous in the courtroom	71.6% 63	23.9% 21	2.3% 2	1.1% 1	1.1% 1
3. The judge is conscientious in the performance of judicial duties	78.4% 69	18.2% 16	1.1% 1	0.0% 0	2.3% 2
4. The judge is diligent in the performance of judicial duties	78.4% 69	18.2% 16	1.1% 1	1.1% 1	1.1% 1
5. The judge shows respect for all court participants	73.6% 64	18.4% 16	5.8% 5	1.2% 1	1.2% 1
6. The judge requires court participants to display respect toward one another	76.2% 64	20.2% 17	3.6% 3	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	78.4% 69	17.1% 15	4.6% 4	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	67.1% 59	25.0% 22	4.6% 4	1.1% 1	2.3% 2
9. The judge treats all parties in an impartial manner	70.1% 61	20.7% 18	4.6% 4	2.3% 2	2.3% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	83.6% 61	13.7% 10	1.4% 1	0.0% 0	1.4% 1
11. The judge maintains order in the courtroom	86.4% 76	12.5% 11	1.1% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	85.1% 74	12.6% 11	2.3% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	67.1% 55	23.2% 19	8.5% 7	0.0% 0	1.2% 1
14. The judge displays knowledge of the law	77.1% 64	18.1% 15	3.6% 3	0.0% 0	1.2% 1
15. The judge is faithful to the law	71.1% 59	22.9% 19	3.6% 3	0.0% 0	2.4% 2
16. The judge communicates effectively	75.0% 66	19.3% 17	5.7% 5	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	79.6% 70	18.2% 16	2.3% 2	0.0% 0	0.0% 0
18. The judge's decisions are clear	73.9% 65	21.6% 19	2.3% 2	1.1% 1	1.1% 1
19. The judge performs judicial duties without bias or prejudice	76.7% 66	16.3% 14	3.5% 3	2.3% 2	1.2% 1
20. The judge convenes court without undue delay	87.1% 74	11.8% 10	1.2% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	84.9% 73	14.0% 12	1.2% 1	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Lee A. Harris, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	68	78.2%
	Good	15	17.2%
	Needs Improvement	2	2.3%
	Unsatisfactory	2	2.3%
In general, over the last three years, has the judge's overall court-related performance become...	Better	3	4.4%
	Worse	3	4.4%
	Stayed the Same	62	91.2%

PART B: Juror Evaluation of Lee A. Harris, Jr.: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	75.0% 3	25.0% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	75.0% 3	25.0% 1	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	75.0% 3	25.0% 1	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	75.0% 3	25.0% 1	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	75.0% 3	25.0% 1	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	75.0% 3	25.0% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	4 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Lee A. Harris, Jr.
14th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	230	66	0
2016	269	66	0
2017	212	67	0
2018	261	67	0
2019	299	76	0
2020	211	74	0
2021	188	61	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Herbert M. Hewitt

Judge of the Circuit Court
15th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 153 completed surveys for Judge Herbert M. Hewitt for groups other than jurors, and a total of 19 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Herbert M. Hewitt: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	78.2% 118	17.9% 27	3.3% 5	0.7% 1	0.0% 0
2. The judge is courteous in the courtroom	82.9% 126	15.1% 23	2.0% 3	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	69.7% 106	21.7% 33	6.6% 10	1.3% 2	0.7% 1
4. The judge is diligent in the performance of judicial duties	67.8% 103	21.7% 33	9.2% 14	1.3% 2	0.0% 0
5. The judge shows respect for all court participants	83.7% 128	12.4% 19	3.9% 6	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	80.4% 119	13.5% 20	4.1% 6	2.0% 3	0.0% 0
7. The judge is attentive to the proceedings	74.3% 113	18.4% 28	6.6% 10	0.7% 1	0.0% 0
8. The judge exhibits fairness to all parties	68.0% 104	22.2% 34	6.5% 10	3.3% 5	0.0% 0
9. The judge treats all parties in an impartial manner	70.6% 108	20.9% 32	5.9% 9	2.6% 4	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	84.9% 101	11.8% 14	2.5% 3	0.8% 1	0.0% 0
11. The judge maintains order in the courtroom	81.5% 123	13.3% 20	3.3% 5	1.3% 2	0.7% 1
12. The judge expects professional behavior of court participants	78.9% 116	15.7% 23	4.1% 6	1.4% 2	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	70.2% 99	22.7% 32	6.4% 9	0.7% 1	0.0% 0
14. The judge displays knowledge of the law	50.0% 70	27.9% 39	15.7% 22	6.4% 9	0.0% 0
15. The judge is faithful to the law	57.6% 80	24.5% 34	13.7% 19	4.3% 6	0.0% 0
16. The judge communicates effectively	61.8% 94	19.7% 30	14.5% 22	4.0% 6	0.0% 0
17. The judge is prompt in rendering decisions	66.2% 100	21.9% 33	9.9% 15	2.0% 3	0.0% 0
18. The judge's decisions are clear	63.6% 96	21.9% 33	11.3% 17	3.3% 5	0.0% 0
19. The judge performs judicial duties without bias or prejudice	75.3% 110	17.1% 25	4.8% 7	2.7% 4	0.0% 0
20. The judge convenes court without undue delay	75.0% 114	19.1% 29	3.3% 5	2.6% 4	0.0% 0
21. The judge uses courtroom time efficiently	67.1% 100	21.5% 32	10.1% 15	1.3% 2	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Herbert M. Hewitt: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	93	62.0%
	Good	35	23.3%
	Needs Improvement	18	12.0%
	Unsatisfactory	4	2.7%
In general, over the last three years, has the judge's overall court-related performance become...	Better	12	9.5%
	Worse	5	4.0%
	Stayed the Same	109	86.5%

PART B: Juror Evaluation of Herbert M. Hewitt: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	94.7% 18	5.3% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	94.7% 18	5.3% 1	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 19	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	88.9% 16	11.1% 2	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	94.7% 18	5.3% 1	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	89.5% 17	10.5% 2	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	89.5% 17	10.5% 2	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	94.7% 18	5.3% 1	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	94.7% 18	5.3% 1	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	89.5% 17	10.5% 2	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	68.4% 13	31.6% 6	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	79.0% 15	15.8% 3	5.3% 1	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	17 89.5%
	Good	2 10.5%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Herbert M. Hewitt
15th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	46	13	0
2016	128	28	0
2017	136	37	1
2018	148	35	0
2019	156	44	0
2020	127	40	0
2021	131	49	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Victoria A. B. Willis

Judge of the Circuit Court
15th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 155 completed surveys for Judge Victoria A. B. Willis for groups other than jurors, and a total of 9 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Victoria A. B. Willis: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	43.9% 68	29.0% 45	20.0% 31	5.8% 9	1.3% 2
2. The judge is courteous in the courtroom	50.3% 78	22.6% 35	19.4% 30	6.5% 10	1.3% 2
3. The judge is conscientious in the performance of judicial duties	50.0% 76	19.7% 30	19.1% 29	10.5% 16	0.7% 1
4. The judge is diligent in the performance of judicial duties	50.3% 76	21.9% 33	20.5% 31	6.6% 10	0.7% 1
5. The judge shows respect for all court participants	49.0% 75	23.5% 36	14.4% 22	10.5% 16	2.6% 4
6. The judge requires court participants to display respect toward one another	55.1% 81	28.6% 42	10.9% 16	4.8% 7	0.7% 1
7. The judge is attentive to the proceedings	61.0% 94	22.7% 35	14.3% 22	2.0% 3	0.0% 0
8. The judge exhibits fairness to all parties	46.4% 70	19.9% 30	15.9% 24	13.9% 21	4.0% 6
9. The judge treats all parties in an impartial manner	44.7% 68	21.1% 32	15.1% 23	14.5% 22	4.6% 7
10. The judge avoids inappropriate <i>ex parte</i> communications	68.8% 77	16.1% 18	9.8% 11	3.6% 4	1.8% 2
11. The judge maintains order in the courtroom	63.8% 95	24.8% 37	9.4% 14	2.0% 3	0.0% 0
12. The judge expects professional behavior of court participants	64.1% 98	24.8% 38	8.5% 13	2.6% 4	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	49.0% 70	22.4% 32	18.2% 26	9.1% 13	1.4% 2
14. The judge displays knowledge of the law	39.0% 55	22.7% 32	15.6% 22	21.3% 30	1.4% 2
15. The judge is faithful to the law	43.3% 61	18.4% 26	18.4% 26	19.2% 27	0.7% 1
16. The judge communicates effectively	48.4% 74	28.8% 44	14.4% 22	7.8% 12	0.7% 1
17. The judge is prompt in rendering decisions	54.8% 80	28.1% 41	15.8% 23	1.4% 2	0.0% 0
18. The judge's decisions are clear	50.7% 75	26.4% 39	15.5% 23	6.8% 10	0.7% 1
19. The judge performs judicial duties without bias or prejudice	48.7% 74	20.4% 31	11.8% 18	14.5% 22	4.6% 7
20. The judge convenes court without undue delay	61.5% 91	28.4% 42	9.5% 14	0.7% 1	0.0% 0
21. The judge uses courtroom time efficiently	52.0% 78	34.0% 51	12.7% 19	1.3% 2	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Victoria A. B. Willis: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	62	41.1%
	Good	37	24.5%
	Needs Improvement	22	14.6%
	Unsatisfactory	30	19.9%
In general, over the last three years, has the judge's overall court-related performance become...	Better	20	17.2%
	Worse	13	11.2%
	Stayed the Same	83	71.6%

PART B: Juror Evaluation of Victoria A. B. Willis: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 9	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 9	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 9	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 8	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 9	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	88.9% 8	11.1% 1	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	77.8% 7	11.1% 1	0.0% 0	0.0% 0	11.1% 1
8. The judge expects professional behavior of court participants	100.0% 9	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	88.9% 8	11.1% 1	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	88.9% 8	11.1% 1	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	88.9% 8	0.0% 0	11.1% 1	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	88.9% 8	11.1% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	8 88.9%
	Good	1 11.1%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



Virginia Criminal Sentencing Commission

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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Victoria A. B. Willis
15th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	82	32	0
2016	141	45	0
2017	144	50	0
2018	189	61	0
2019	201	61	0
2020	159	55	0
2021	165	60	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Richard E. Moore

Judge of the Circuit Court
16th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 172 completed surveys for Judge Richard E. Moore for groups other than jurors, and a total of 5 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Richard E. Moore: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	71.5% 123	23.8% 41	3.5% 6	1.2% 2	0.0% 0
2. The judge is courteous in the courtroom	82.9% 141	15.3% 26	1.8% 3	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	79.5% 136	17.0% 29	1.2% 2	2.3% 4	0.0% 0
4. The judge is diligent in the performance of judicial duties	72.9% 124	18.8% 32	6.5% 11	1.8% 3	0.0% 0
5. The judge shows respect for all court participants	81.4% 140	12.8% 22	4.7% 8	0.6% 1	0.6% 1
6. The judge requires court participants to display respect toward one another	81.6% 133	16.0% 26	1.2% 2	1.2% 2	0.0% 0
7. The judge is attentive to the proceedings	80.1% 137	14.0% 24	5.3% 9	0.6% 1	0.0% 0
8. The judge exhibits fairness to all parties	76.0% 130	17.0% 29	5.3% 9	0.6% 1	1.2% 2
9. The judge treats all parties in an impartial manner	75.6% 130	16.3% 28	5.8% 10	1.2% 2	1.2% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	83.1% 113	14.7% 20	1.5% 2	0.7% 1	0.0% 0
11. The judge maintains order in the courtroom	79.2% 133	20.2% 34	0.6% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	83.7% 139	15.1% 25	1.2% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	73.6% 114	21.3% 33	2.6% 4	1.3% 2	1.3% 2
14. The judge displays knowledge of the law	65.8% 104	26.6% 42	4.4% 7	2.5% 4	0.6% 1
15. The judge is faithful to the law	67.5% 106	22.3% 35	7.0% 11	2.6% 4	0.6% 1
16. The judge communicates effectively	68.4% 117	24.6% 42	5.9% 10	0.6% 1	0.6% 1
17. The judge is prompt in rendering decisions	47.6% 80	29.2% 49	14.9% 25	7.1% 12	1.2% 2
18. The judge's decisions are clear	61.0% 103	29.6% 50	5.9% 10	3.6% 6	0.0% 0
19. The judge performs judicial duties without bias or prejudice	72.7% 125	18.0% 31	7.6% 13	0.0% 0	1.7% 3
20. The judge convenes court without undue delay	68.1% 115	26.0% 44	3.6% 6	0.6% 1	1.8% 3
21. The judge uses courtroom time efficiently	56.8% 96	32.5% 55	5.9% 10	3.6% 6	1.2% 2

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Richard E. Moore: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	118	68.6%
	Good	40	23.3%
	Needs Improvement	11	6.4%
	Unsatisfactory	3	1.7%
In general, over the last three years, has the judge's overall court-related performance become...	Better	25	18.1%
	Worse	4	2.9%
	Stayed the Same	109	79.0%

PART B: Juror Evaluation of Richard E. Moore: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	80.0% 4	20.0% 1	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 5	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	80.0% 4	20.0% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	5 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM
JUDICIAL PERFORMANCE EVALUATION PROGRAM
REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA
FY 2015 – FY 2021

The Honorable Richard E. Moore
16th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	56	16	0
2016	105	42	0
2017	154	61	2
2018	123	57	1
2019	50	25	0
2020	62	34	0
2021	63	31	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Grace Burke Carroll

Judge of the Circuit Court
19th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 121 completed surveys for Judge Grace Burke Carroll. No surveys were completed by jurors.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Grace Burke Carroll: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	69.5% 82	26.3% 31	4.2% 5	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	76.3% 90	22.0% 26	1.7% 2	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	75.4% 89	17.8% 21	6.8% 8	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	73.3% 88	19.2% 23	7.5% 9	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	77.7% 94	15.7% 19	6.6% 8	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	78.3% 90	19.1% 22	1.7% 2	0.0% 0	0.9% 1
7. The judge is attentive to the proceedings	80.0% 96	17.5% 21	2.5% 3	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	75.4% 89	17.8% 21	5.1% 6	1.7% 2	0.0% 0
9. The judge treats all parties in an impartial manner	77.5% 93	15.0% 18	5.0% 6	2.5% 3	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	85.7% 72	10.7% 9	3.6% 3	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	79.7% 94	18.6% 22	1.7% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	80.5% 95	17.8% 21	1.7% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	71.9% 82	22.8% 26	5.3% 6	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	55.9% 66	27.1% 32	15.3% 18	1.7% 2	0.0% 0
15. The judge is faithful to the law	63.8% 74	24.1% 28	11.2% 13	0.9% 1	0.0% 0
16. The judge communicates effectively	68.1% 81	23.5% 28	8.4% 10	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	74.8% 86	20.0% 23	5.2% 6	0.0% 0	0.0% 0
18. The judge's decisions are clear	71.6% 83	17.2% 20	11.2% 13	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	76.3% 87	16.7% 19	4.4% 5	2.6% 3	0.0% 0
20. The judge convenes court without undue delay	77.1% 91	18.6% 22	2.5% 3	1.7% 2	0.0% 0
21. The judge uses courtroom time efficiently	73.1% 87	20.2% 24	5.0% 6	1.7% 2	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Grace Burke Carroll: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	84	70.0%
	Good	29	24.2%
	Needs Improvement	4	3.3%
	Unsatisfactory	3	2.5%
In general, over the last three years, has the judge's overall court-related performance become...	Better	21	24.4%
	Worse	2	2.3%
	Stayed the Same	63	73.3%

PART B: Juror Evaluation of Grace Burke Carroll: Evaluation Summary

No surveys were received from jurors for Judge Carroll.



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Grace Burke Carroll
19th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	25	4	0
2016	62	23	0
2017	68	23	0
2018	68	23	0
2019	68	24	0
2020	44	12	0
2021	22	12	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Jeanette A. Irby

Judge of the Circuit Court
20th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 159 completed surveys for Judge Jeanette A. Irby for groups other than jurors, and a total of 2 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Jeanette A. Irby: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	34.0% 54	37.7% 60	22.6% 36	5.0% 8	0.6% 1
2. The judge is courteous in the courtroom	47.2% 75	30.2% 48	18.9% 30	2.5% 4	1.3% 2
3. The judge is conscientious in the performance of judicial duties	57.3% 90	24.8% 39	14.0% 22	3.2% 5	0.6% 1
4. The judge is diligent in the performance of judicial duties	55.8% 86	29.9% 46	11.0% 17	3.3% 5	0.0% 0
5. The judge shows respect for all court participants	49.1% 78	29.6% 47	15.7% 25	4.4% 7	1.3% 2
6. The judge requires court participants to display respect toward one another	60.8% 93	29.4% 45	9.2% 14	0.0% 0	0.7% 1
7. The judge is attentive to the proceedings	63.9% 101	26.6% 42	6.3% 10	3.2% 5	0.0% 0
8. The judge exhibits fairness to all parties	50.6% 80	23.4% 37	17.1% 27	7.6% 12	1.3% 2
9. The judge treats all parties in an impartial manner	49.0% 77	26.1% 41	15.3% 24	7.0% 11	2.6% 4
10. The judge avoids inappropriate <i>ex parte</i> communications	80.6% 79	16.3% 16	3.1% 3	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	76.3% 119	21.2% 33	1.9% 3	0.6% 1	0.0% 0
12. The judge expects professional behavior of court participants	72.6% 114	22.9% 36	3.8% 6	0.6% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	50.7% 69	30.2% 41	14.7% 20	3.7% 5	0.7% 1
14. The judge displays knowledge of the law	41.1% 58	33.3% 47	16.3% 23	9.2% 13	0.0% 0
15. The judge is faithful to the law	45.7% 64	28.6% 40	16.4% 23	9.3% 13	0.0% 0
16. The judge communicates effectively	54.8% 86	29.3% 46	12.1% 19	3.2% 5	0.6% 1
17. The judge is prompt in rendering decisions	59.5% 91	29.4% 45	8.5% 13	2.6% 4	0.0% 0
18. The judge's decisions are clear	58.2% 92	26.6% 42	12.7% 20	2.5% 4	0.0% 0
19. The judge performs judicial duties without bias or prejudice	54.2% 84	23.2% 36	13.6% 21	7.1% 11	1.9% 3
20. The judge convenes court without undue delay	68.8% 108	27.4% 43	2.6% 4	1.3% 2	0.0% 0
21. The judge uses courtroom time efficiently	67.1% 106	26.0% 41	6.3% 10	0.6% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Jeanette A. Irby: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	71	45.5%
	Good	49	31.4%
	Needs Improvement	25	16.0%
	Unsatisfactory	11	7.1%
In general, over the last three years, has the judge's overall court-related performance become...	Better	34	29.3%
	Worse	6	5.2%
	Stayed the Same	76	65.5%

PART B: Juror Evaluation of Jeanette A. Irby: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	50.0% 1	50.0% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 2	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 1	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 2	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	50.0% 1	0.0% 0	50.0% 1	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 2	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 2	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 2	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 2	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 1	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 1	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	50.0% 1	50.0% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	2 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Jeanette A. Irby
20th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	51	25	0
2016	97	47	0
2017	98	39	0
2018	48	14	0
2019	69	26	0
2020	44	15	0
2021	35	7	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Stephen E. Sincavage

Judge of the Circuit Court
20th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 144 completed surveys for Judge Stephen E. Sincavage for groups other than jurors, and a total of 18 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Stephen E. Sincavage: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	70.8% 102	27.1% 39	2.1% 3	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	81.1% 116	17.5% 25	1.4% 2	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	80.4% 115	15.4% 22	3.5% 5	0.7% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	74.7% 106	18.3% 26	5.6% 8	0.7% 1	0.7% 1
5. The judge shows respect for all court participants	84.5% 120	14.1% 20	0.7% 1	0.7% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	78.5% 106	19.3% 26	2.2% 3	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	84.5% 120	14.8% 21	0.0% 0	0.7% 1	0.0% 0
8. The judge exhibits fairness to all parties	84.5% 120	11.3% 16	2.8% 4	1.4% 2	0.0% 0
9. The judge treats all parties in an impartial manner	85.1% 120	10.6% 15	2.8% 4	1.4% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	93.1% 94	6.9% 7	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	83.3% 115	16.7% 23	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	85.8% 121	13.5% 19	0.7% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	73.4% 91	23.4% 29	3.2% 4	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	68.0% 85	24.0% 30	6.4% 8	1.6% 2	0.0% 0
15. The judge is faithful to the law	67.2% 84	24.8% 31	7.2% 9	0.8% 1	0.0% 0
16. The judge communicates effectively	76.8% 109	19.0% 27	3.5% 5	0.7% 1	0.0% 0
17. The judge is prompt in rendering decisions	52.1% 74	25.4% 36	17.6% 25	4.2% 6	0.7% 1
18. The judge's decisions are clear	74.7% 106	19.0% 27	5.6% 8	0.7% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	82.7% 115	13.7% 19	2.9% 4	0.7% 1	0.0% 0
20. The judge convenes court without undue delay	69.7% 99	23.9% 34	4.9% 7	1.4% 2	0.0% 0
21. The judge uses courtroom time efficiently	58.5% 83	23.9% 34	12.0% 17	4.9% 7	0.7% 1

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Stephen E. Sincavage: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	97	68.3%
	Good	37	26.1%
	Needs Improvement	8	5.6%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	24	22.6%
	Worse	0	0.0%
	Stayed the Same	82	77.4%

PART B: Juror Evaluation of Stephen E. Sincavage: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	94.4% 17	5.6% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 17	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	76.5% 13	23.5% 4	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	94.4% 17	5.6% 1	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 17	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	83.3% 15	16.7% 3	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	83.3% 15	16.7% 3	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	17 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Stephen E. Sincavage
20th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	70	16	0
2016	94	21	0
2017	85	21	0
2018	54	13	0
2019	79	33	0
2020	54	22	0
2021	30	12	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable James W. Updike, Jr.

Judge of the Circuit Court
24th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



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I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 133 completed surveys for Judge James W. Updike, Jr. for groups other than jurors, and a total of 8 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge James W. Updike, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	60.2% 80	32.3% 43	6.8% 9	0.8% 1	0.0% 0
2. The judge is courteous in the courtroom	66.9% 89	28.6% 38	4.5% 6	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	75.8% 100	20.5% 27	3.8% 5	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	77.7% 101	19.2% 25	3.1% 4	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	72.9% 97	24.1% 32	3.0% 4	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	75.6% 96	22.1% 28	2.4% 3	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	78.2% 104	15.8% 21	6.0% 8	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	72.7% 96	18.9% 25	8.3% 11	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	71.4% 95	21.8% 29	6.8% 9	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	90.9% 100	7.3% 8	1.8% 2	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	90.2% 119	9.1% 12	0.8% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	87.8% 115	10.7% 14	1.5% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	66.1% 82	29.0% 36	3.2% 4	1.6% 2	0.0% 0
14. The judge displays knowledge of the law	72.4% 89	18.7% 23	8.9% 11	0.0% 0	0.0% 0
15. The judge is faithful to the law	71.8% 89	19.4% 24	8.1% 10	0.8% 1	0.0% 0
16. The judge communicates effectively	76.7% 102	17.3% 23	6.0% 8	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	79.4% 104	19.9% 26	0.8% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	76.3% 100	19.1% 25	4.6% 6	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	76.9% 100	16.9% 22	6.2% 8	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	83.2% 109	13.0% 17	3.8% 5	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	84.1% 111	12.1% 16	3.8% 5	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of James W. Updike, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	97	73.5%
	Good	28	21.2%
	Needs Improvement	6	4.6%
	Unsatisfactory	1	0.8%
In general, over the last three years, has the judge's overall court-related performance become...	Better	27	24.6%
	Worse	1	0.9%
	Stayed the Same	82	74.6%

PART B: Juror Evaluation of James W. Updike, Jr.: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	87.5% 7	12.5% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	87.5% 7	12.5% 1	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	87.5% 7	12.5% 1	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	85.7% 6	14.3% 1	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	62.5% 5	37.5% 3	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	87.5% 7	12.5% 1	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	87.5% 7	12.5% 1	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	87.5% 7	12.5% 1	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	87.5% 7	12.5% 1	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	87.5% 7	12.5% 1	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	50.0% 4	50.0% 4	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	62.5% 5	37.5% 3	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	7 87.5%
	Good	1 12.5%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable James W. Updike, Jr.
24th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	158	29	0
2016	161	48	0
2017	168	40	0
2018	135	45	0
2019	183	46	0
2020	149	37	0
2021	186	34	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Clark Andrew Ritchie

Judge of the Circuit Court
26th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 145 completed surveys for Judge Clark Andrew Ritchie. No surveys were completed by jurors.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Clark Andrew Ritchie: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	85.4% 123	14.6% 21	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	90.2% 129	9.8% 14	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	87.4% 125	12.6% 18	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	86.6% 123	12.7% 18	0.7% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	91.0% 131	7.6% 11	1.4% 2	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	83.7% 118	14.9% 21	1.4% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	89.0% 129	9.7% 14	1.4% 2	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	82.5% 118	14.7% 21	2.8% 4	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	81.7% 116	15.5% 22	2.8% 4	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	90.0% 108	7.5% 9	2.5% 3	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	87.5% 126	11.8% 17	0.7% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	86.0% 123	14.0% 20	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	85.6% 113	12.9% 17	1.5% 2	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	76.7% 102	18.8% 25	3.8% 5	0.8% 1	0.0% 0
15. The judge is faithful to the law	77.1% 101	17.6% 23	4.6% 6	0.8% 1	0.0% 0
16. The judge communicates effectively	84.5% 120	13.4% 19	2.1% 3	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	83.0% 117	14.2% 20	2.8% 4	0.0% 0	0.0% 0
18. The judge's decisions are clear	84.5% 120	12.7% 18	2.8% 4	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	84.5% 120	11.3% 16	4.2% 6	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	86.1% 124	13.9% 20	0.0% 0	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	78.5% 113	17.4% 25	3.5% 5	0.7% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Clark Andrew Ritchie: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	120	83.3%
	Good	19	13.2%
	Needs Improvement	5	3.5%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	29	25.7%
	Worse	0	0.0%
	Stayed the Same	84	74.3%

PART B: Juror Evaluation of Clark Andrew Ritchie: Evaluation Summary

No surveys were received from jurors for Judge Ritchie.



Virginia Criminal Sentencing Commission

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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Clark Andrew Ritchie
26th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	75	18	0
2016	134	32	0
2017	144	40	0
2018	203	74	0
2019	235	92	0
2020	169	56	0
2021	133	38	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Bradley W. Finch

Judge of the Circuit Court
27th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 94 completed surveys for Judge Bradley W. Finch for groups other than jurors, and a total of 4 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Bradley W. Finch: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	66.0% 62	25.5% 24	7.5% 7	1.1% 1	0.0% 0
2. The judge is courteous in the courtroom	79.8% 75	17.0% 16	2.1% 2	1.1% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	81.9% 77	16.0% 15	1.1% 1	1.1% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	80.7% 75	17.2% 16	1.1% 1	1.1% 1	0.0% 0
5. The judge shows respect for all court participants	76.6% 72	18.1% 17	4.3% 4	1.1% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	80.2% 73	17.6% 16	2.2% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	86.0% 80	12.9% 12	0.0% 0	0.0% 0	1.1% 1
8. The judge exhibits fairness to all parties	67.4% 62	25.0% 23	6.5% 6	0.0% 0	1.1% 1
9. The judge treats all parties in an impartial manner	69.2% 65	25.5% 24	4.3% 4	0.0% 0	1.1% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	88.8% 71	10.0% 8	1.3% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	85.0% 79	12.9% 12	2.2% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	88.2% 82	10.8% 10	1.1% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	73.0% 65	19.1% 17	6.7% 6	0.0% 0	1.1% 1
14. The judge displays knowledge of the law	75.6% 68	21.1% 19	0.0% 0	1.1% 1	2.2% 2
15. The judge is faithful to the law	74.2% 66	22.5% 20	0.0% 0	1.1% 1	2.3% 2
16. The judge communicates effectively	75.5% 71	19.2% 18	4.3% 4	0.0% 0	1.1% 1
17. The judge is prompt in rendering decisions	77.2% 71	19.6% 18	3.3% 3	0.0% 0	0.0% 0
18. The judge's decisions are clear	76.3% 71	20.4% 19	2.2% 2	0.0% 0	1.1% 1
19. The judge performs judicial duties without bias or prejudice	76.9% 70	15.4% 14	5.5% 5	1.1% 1	1.1% 1
20. The judge convenes court without undue delay	75.8% 69	22.0% 20	1.1% 1	0.0% 0	1.1% 1
21. The judge uses courtroom time efficiently	73.4% 69	22.3% 21	3.2% 3	0.0% 0	1.1% 1

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Bradley W. Finch: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	67	73.6%
	Good	21	23.1%
	Needs Improvement	1	1.1%
	Unsatisfactory	2	2.2%
In general, over the last three years, has the judge's overall court-related performance become...	Better	15	19.0%
	Worse	1	1.3%
	Stayed the Same	63	79.8%

PART B: Juror Evaluation of Bradley W. Finch: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	75.0% 3	25.0% 1	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	100.0% 4	0.0% 0	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	4 100.0%
	Good	0 0.0%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Bradley W. Finch
27th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	129	22	0
2016	165	54	0
2017	178	59	0
2018	168	62	0
2019	237	64	0
2020	259	82	0
2021	269	81	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Josiah T. Showalter, Jr.

Judge of the Circuit Court
27th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 128 completed surveys for Judge Josiah T. Showalter, Jr. No surveys were completed by jurors.

PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Josiah T. Showalter, Jr.: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	57.9% 73	32.5% 41	7.1% 9	2.4% 3	0.0% 0
2. The judge is courteous in the courtroom	73.0% 92	22.2% 28	2.4% 3	2.4% 3	0.0% 0
3. The judge is conscientious in the performance of judicial duties	78.6% 99	13.5% 17	4.0% 5	4.0% 5	0.0% 0
4. The judge is diligent in the performance of judicial duties	74.0% 94	16.5% 21	5.5% 7	3.2% 4	0.8% 1
5. The judge shows respect for all court participants	67.2% 84	26.4% 33	4.0% 5	1.6% 2	0.8% 1
6. The judge requires court participants to display respect toward one another	77.9% 95	15.6% 19	6.6% 8	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	80.3% 102	12.6% 16	6.3% 8	0.8% 1	0.0% 0
8. The judge exhibits fairness to all parties	74.6% 94	15.1% 19	7.1% 9	2.4% 3	0.8% 1
9. The judge treats all parties in an impartial manner	74.6% 94	17.5% 22	5.6% 7	1.6% 2	0.8% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	83.3% 80	11.5% 11	3.1% 3	1.0% 1	1.0% 1
11. The judge maintains order in the courtroom	87.2% 109	12.0% 15	0.8% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	86.3% 107	11.3% 14	2.4% 3	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	65.8% 73	22.5% 25	6.3% 7	4.5% 5	0.9% 1
14. The judge displays knowledge of the law	74.1% 86	18.1% 21	4.3% 5	3.5% 4	0.0% 0
15. The judge is faithful to the law	69.6% 80	20.9% 24	4.4% 5	4.4% 5	0.9% 1
16. The judge communicates effectively	71.9% 92	21.1% 27	4.7% 6	2.3% 3	0.0% 0
17. The judge is prompt in rendering decisions	68.8% 86	21.6% 27	8.0% 10	1.6% 2	0.0% 0
18. The judge's decisions are clear	72.6% 90	19.4% 24	6.5% 8	0.0% 0	1.6% 2
19. The judge performs judicial duties without bias or prejudice	76.2% 96	15.9% 20	6.4% 8	0.8% 1	0.8% 1
20. The judge convenes court without undue delay	81.5% 101	15.3% 19	2.4% 3	0.8% 1	0.0% 0
21. The judge uses courtroom time efficiently	78.6% 99	16.7% 21	4.0% 5	0.8% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Josiah T. Showalter, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	91	72.8%
	Good	24	19.2%
	Needs Improvement	7	5.6%
	Unsatisfactory	3	2.4%
In general, over the last three years, has the judge's overall court-related performance become...	Better	16	15.1%
	Worse	6	5.7%
	Stayed the Same	84	79.3%

PART B: Juror Evaluation of Josiah T. Showalter, Jr.: Evaluation Summary

No surveys were received from jurors for Judge Showalter.



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Josiah T. Showalter, Jr.
27th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	207	70	0
2016	190	71	2
2017	238	81	0
2018	193	48	0
2019	207	60	1
2020	217	71	0
2021	265	72	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Richard C. Patterson

Judge of the Circuit Court
29th Judicial Circuit

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 73 completed surveys for Judge Richard C. Patterson. No surveys were completed by jurors.

**PART A: Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Judge Richard C. Patterson: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	91.6% 65	8.5% 6	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	95.8% 68	4.2% 3	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	90.0% 63	8.6% 6	1.4% 1	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	93.2% 68	4.1% 3	1.4% 1	1.4% 1	0.0% 0
5. The judge shows respect for all court participants	97.2% 69	1.4% 1	1.4% 1	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	87.1% 61	10.0% 7	2.9% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	94.5% 69	4.1% 3	1.4% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	84.7% 61	11.1% 8	2.8% 2	0.0% 0	1.4% 1
9. The judge treats all parties in an impartial manner	84.7% 61	11.1% 8	2.8% 2	0.0% 0	1.4% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	86.8% 46	13.2% 7	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	93.0% 66	4.2% 3	2.8% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	88.7% 63	11.3% 8	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	91.7% 55	5.0% 3	1.7% 1	0.0% 0	1.7% 1
14. The judge displays knowledge of the law	80.7% 50	14.5% 9	3.2% 2	0.0% 0	1.6% 1
15. The judge is faithful to the law	78.7% 48	16.4% 10	3.3% 2	0.0% 0	1.6% 1
16. The judge communicates effectively	86.1% 62	6.9% 5	5.6% 4	0.0% 0	1.4% 1
17. The judge is prompt in rendering decisions	93.1% 67	4.2% 3	2.8% 2	0.0% 0	0.0% 0
18. The judge's decisions are clear	93.1% 67	5.6% 4	1.4% 1	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	87.7% 64	8.2% 6	2.7% 2	0.0% 0	1.4% 1
20. The judge convenes court without undue delay	90.3% 65	8.3% 6	1.4% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	90.0% 63	8.6% 6	0.0% 0	1.4% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Court Clerk
Evaluation of Richard C. Patterson: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	62	86.1%
	Good	7	9.7%
	Needs Improvement	3	4.2%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	13	20.6%
	Worse	2	3.2%
	Stayed the Same	48	76.2%

PART B: Juror Evaluation of Richard C. Patterson: Evaluation Summary

No surveys were received from jurors for Judge Patterson.



Virginia Criminal Sentencing Commission

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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2015 – FY 2021**

The Honorable Richard C. Patterson
29th Circuit

In accordance with Code of Virginia § 17.1-100(A), the Virginia Criminal Sentencing Commission has provided the Supreme Court of Virginia with “the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01.”

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2015	136	44	0
2016	245	43	0
2017	232	41	0
2018	194	36	0
2019	171	35	0
2020	159	27	0
2021	160	46	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Douglas B. Ottinger

Judge of the General District Court
3rd Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary

The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 146 completed surveys for Judge Douglas B. Ottinger.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Douglas B. Ottinger: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	87.0% 127	12.3% 18	0.7% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	93.8% 137	6.2% 9	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	91.8% 134	8.2% 12	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	91.8% 134	6.9% 10	1.4% 2	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	94.5% 138	5.5% 8	0.0% 0	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	91.7% 132	8.3% 12	0.0% 0	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	91.1% 133	8.2% 12	0.7% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	90.3% 131	9.0% 13	0.7% 1	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	90.3% 131	9.0% 13	0.7% 1	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	93.6% 116	5.7% 7	0.8% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	92.4% 134	7.6% 11	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	90.4% 132	9.6% 14	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	92.3% 131	7.0% 10	0.7% 1	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	83.1% 118	15.5% 22	1.4% 2	0.0% 0	0.0% 0
15. The judge is faithful to the law	87.3% 124	11.3% 16	1.4% 2	0.0% 0	0.0% 0
16. The judge communicates effectively	91.7% 133	8.3% 12	0.0% 0	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	87.7% 128	11.6% 17	0.7% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	91.8% 134	8.2% 12	0.0% 0	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	89.7% 131	9.6% 14	0.7% 1	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	89.0% 129	9.0% 13	2.1% 3	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	91.0% 131	8.3% 12	0.7% 1	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Douglas B. Ottinger: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	135	92.5%
	Good	11	7.5%
	Needs Improvement	0	0.0%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	11	8.0%
	Worse	0	0.0%
	Stayed the Same	126	92.0%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable John S. Martin

Judge of the General District Court
15th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary

The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

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II. Evaluation Methodology

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Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 64 completed surveys for Judge John S. Martin.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge John S. Martin: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	82.5% 52	15.9% 10	1.6% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	88.9% 56	11.1% 7	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	89.1% 57	7.8% 5	3.1% 2	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	92.2% 59	4.7% 3	1.6% 1	1.6% 1	0.0% 0
5. The judge shows respect for all court participants	90.6% 58	7.8% 5	0.0% 0	1.6% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	88.7% 55	9.7% 6	0.0% 0	1.6% 1	0.0% 0
7. The judge is attentive to the proceedings	93.8% 60	4.7% 3	1.6% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	92.2% 59	6.3% 4	1.6% 1	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	88.9% 56	7.9% 5	3.2% 2	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	94.4% 51	3.7% 2	1.9% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	92.1% 58	7.9% 5	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	91.9% 57	6.5% 4	1.6% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	85.5% 47	14.6% 8	0.0% 0	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	87.3% 48	10.9% 6	1.8% 1	0.0% 0	0.0% 0
15. The judge is faithful to the law	90.9% 50	9.1% 5	0.0% 0	0.0% 0	0.0% 0
16. The judge communicates effectively	87.3% 55	12.7% 8	0.0% 0	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	93.8% 60	6.3% 4	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	92.2% 59	6.3% 4	1.6% 1	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	92.2% 59	6.3% 4	1.6% 1	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	88.9% 56	9.5% 6	1.6% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	87.3% 55	12.7% 8	0.0% 0	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of John S. Martin: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	58	93.6%
	Good	4	6.5%
	Needs Improvement	0	0.0%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	10	17.0%
	Worse	0	0.0%
	Stayed the Same	49	83.1%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable David B. Caddell, Jr.

Judge of the General District Court
15th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

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II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 89 completed surveys for Judge David B. Caddell, Jr.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge David B. Caddell, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	92.1% 81	6.8% 6	1.1% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	94.4% 84	5.6% 5	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	94.3% 83	4.6% 4	1.1% 1	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	95.5% 84	3.4% 3	1.1% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	95.5% 85	3.4% 3	1.1% 1	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	89.8% 79	8.0% 7	2.3% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	93.2% 82	6.8% 6	0.0% 0	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	91.0% 81	5.6% 5	2.3% 2	0.0% 0	1.1% 1
9. The judge treats all parties in an impartial manner	89.9% 80	6.7% 6	2.3% 2	0.0% 0	1.1% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	91.7% 66	8.3% 6	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	86.2% 75	13.8% 12	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	92.1% 81	8.0% 7	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	93.8% 76	4.9% 4	1.2% 1	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	90.4% 75	7.2% 6	2.4% 2	0.0% 0	0.0% 0
15. The judge is faithful to the law	87.8% 72	8.5% 7	2.4% 2	1.2% 1	0.0% 0
16. The judge communicates effectively	92.0% 80	6.9% 6	1.2% 1	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	94.3% 82	3.5% 3	0.0% 0	1.2% 1	1.2% 1
18. The judge's decisions are clear	90.8% 79	4.6% 4	3.5% 3	1.2% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	92.1% 82	3.4% 3	3.4% 3	1.1% 1	0.0% 0
20. The judge convenes court without undue delay	87.2% 75	11.6% 10	1.2% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	87.4% 76	8.1% 7	3.5% 3	1.2% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of David B. Caddell, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	77	90.6%
	Good	6	7.1%
	Needs Improvement	1	1.2%
	Unsatisfactory	1	1.2%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	13	15.9%
	Worse	2	2.4%
	Stayed the Same	67	81.7%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Richard T. McGrath

Judge of the General District Court
15th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
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on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

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II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 61 completed surveys for Judge Richard T. McGrath.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Richard T. McGrath: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	52.5% 32	31.2% 19	14.8% 9	1.6% 1	0.0% 0
2. The judge is courteous in the courtroom	58.3% 35	30.0% 18	11.7% 7	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	63.3% 38	20.0% 12	13.3% 8	1.7% 1	1.7% 1
4. The judge is diligent in the performance of judicial duties	65.0% 39	18.3% 11	13.3% 8	1.7% 1	1.7% 1
5. The judge shows respect for all court participants	59.0% 36	23.0% 14	13.1% 8	3.3% 2	1.6% 1
6. The judge requires court participants to display respect toward one another	67.8% 40	27.1% 16	5.1% 3	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	71.7% 43	21.7% 13	6.7% 4	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	55.0% 33	28.3% 17	10.0% 6	5.0% 3	1.7% 1
9. The judge treats all parties in an impartial manner	60.0% 36	23.3% 14	11.7% 7	3.3% 2	1.7% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	75.6% 31	17.1% 7	2.4% 1	2.4% 1	2.4% 1
11. The judge maintains order in the courtroom	78.7% 48	16.4% 10	3.3% 2	0.0% 0	1.6% 1
12. The judge expects professional behavior of court participants	72.1% 44	24.6% 15	1.6% 1	0.0% 0	1.6% 1
13. The judge allows lawyers appropriate latitude in presentation of their case	58.3% 35	26.7% 16	13.3% 8	0.0% 0	1.7% 1
14. The judge displays knowledge of the law	62.1% 36	24.1% 14	8.6% 5	3.5% 2	1.7% 1
15. The judge is faithful to the law	61.0% 36	18.6% 11	13.6% 8	5.1% 3	1.7% 1
16. The judge communicates effectively	68.3% 41	20.0% 12	6.7% 4	5.0% 3	0.0% 0
17. The judge is prompt in rendering decisions	78.7% 48	16.4% 10	3.3% 2	0.0% 0	1.6% 1
18. The judge's decisions are clear	73.3% 44	18.3% 11	5.0% 3	1.7% 1	1.7% 1
19. The judge performs judicial duties without bias or prejudice	69.0% 40	15.5% 9	8.6% 5	5.2% 3	1.7% 1
20. The judge convenes court without undue delay	61.7% 37	26.7% 16	6.7% 4	3.3% 2	1.7% 1
21. The judge uses courtroom time efficiently	62.3% 38	27.9% 17	8.2% 5	1.6% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Richard T. McGrath: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	35	59.3%
	Good	14	23.7%
	Needs Improvement	8	13.6%
	Unsatisfactory	2	3.4%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	10	18.9%
	Worse	2	3.8%
	Stayed the Same	41	77.4%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Claiborne H. Stokes, Jr.

Judge of the General District Court
16th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

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III. Report Content

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This report reflects a total of 115 completed surveys for Judge Claiborne H. Stokes, Jr.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Claiborne H. Stokes, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	72.2% 83	24.4% 28	3.5% 4	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	79.1% 91	17.4% 20	2.6% 3	0.9% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	75.7% 87	17.4% 20	7.0% 8	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	79.8% 91	14.0% 16	5.3% 6	0.9% 1	0.0% 0
5. The judge shows respect for all court participants	83.3% 95	14.0% 16	1.8% 2	0.9% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	78.1% 89	20.2% 23	1.8% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	81.4% 92	15.0% 17	3.5% 4	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	74.3% 84	16.8% 19	7.1% 8	1.8% 2	0.0% 0
9. The judge treats all parties in an impartial manner	75.7% 87	17.4% 20	4.4% 5	2.6% 3	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	82.8% 72	16.1% 14	1.2% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	85.2% 98	14.8% 17	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	83.3% 95	15.8% 18	0.9% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	72.6% 74	21.6% 22	5.9% 6	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	74.0% 77	23.1% 24	2.9% 3	0.0% 0	0.0% 0
15. The judge is faithful to the law	76.0% 79	18.3% 19	5.8% 6	0.0% 0	0.0% 0
16. The judge communicates effectively	77.4% 89	18.3% 21	3.5% 4	0.9% 1	0.0% 0
17. The judge is prompt in rendering decisions	84.4% 97	14.8% 17	0.9% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	82.6% 95	14.8% 17	2.6% 3	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	79.7% 90	12.4% 14	6.2% 7	1.8% 2	0.0% 0
20. The judge convenes court without undue delay	77.9% 88	20.4% 23	1.8% 2	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	75.9% 85	21.4% 24	1.8% 2	0.9% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Claiborne H. Stokes, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	90	79.0%
	Good	14	12.3%
	Needs Improvement	9	7.9%
	Unsatisfactory	1	0.9%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	9	8.7%
	Worse	2	1.9%
	Stayed the Same	93	89.4%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Harry Michael Cantrell

Judge of the General District Court
19th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 140 completed surveys for Judge Harry Michael Cantrell.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Harry Michael Cantrell: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	20.0% 28	30.7% 43	26.4% 37	20.0% 28	2.9% 4
2. The judge is courteous in the courtroom	23.6% 33	27.1% 38	25.7% 36	15.7% 22	7.9% 11
3. The judge is conscientious in the performance of judicial duties	43.4% 59	28.7% 39	19.1% 26	5.9% 8	2.9% 4
4. The judge is diligent in the performance of judicial duties	46.7% 64	31.4% 43	13.1% 18	5.8% 8	2.9% 4
5. The judge shows respect for all court participants	27.3% 38	23.0% 32	25.2% 35	16.6% 23	7.9% 11
6. The judge requires court participants to display respect toward one another	51.2% 66	28.7% 37	9.3% 12	8.5% 11	2.3% 3
7. The judge is attentive to the proceedings	57.3% 79	28.3% 39	8.7% 12	4.4% 6	1.5% 2
8. The judge exhibits fairness to all parties	38.9% 54	21.6% 30	20.1% 28	15.8% 22	3.6% 5
9. The judge treats all parties in an impartial manner	42.2% 57	16.3% 22	20.7% 28	16.3% 22	4.4% 6
10. The judge avoids inappropriate <i>ex parte</i> communications	67.4% 62	12.0% 11	12.0% 11	7.6% 7	1.1% 1
11. The judge maintains order in the courtroom	65.9% 91	23.2% 32	8.0% 11	2.2% 3	0.7% 1
12. The judge expects professional behavior of court participants	66.7% 92	22.5% 31	5.8% 8	2.9% 4	2.2% 3
13. The judge allows lawyers appropriate latitude in presentation of their case	35.1% 46	30.5% 40	16.0% 21	14.5% 19	3.8% 5
14. The judge displays knowledge of the law	39.6% 53	29.9% 40	22.4% 30	5.2% 7	3.0% 4
15. The judge is faithful to the law	39.4% 52	28.0% 37	23.5% 31	5.3% 7	3.8% 5
16. The judge communicates effectively	42.9% 60	25.7% 36	18.6% 26	8.6% 12	4.3% 6
17. The judge is prompt in rendering decisions	61.0% 83	30.2% 41	6.6% 9	0.7% 1	1.5% 2
18. The judge's decisions are clear	55.5% 76	24.8% 34	13.9% 19	3.7% 5	2.2% 3
19. The judge performs judicial duties without bias or prejudice	48.1% 64	15.0% 20	20.3% 27	12.8% 17	3.8% 5
20. The judge convenes court without undue delay	60.9% 84	25.4% 35	8.7% 12	2.2% 3	2.9% 4
21. The judge uses courtroom time efficiently	58.0% 80	25.4% 35	12.3% 17	2.9% 4	1.5% 2

**Attorney, Bailiff, and Court Reporter
Evaluation of Harry Michael Cantrell: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	42	31.1%
	Good	26	19.3%
	Needs Improvement	35	25.9%
	Unsatisfactory	32	23.7%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	15	12.4%
	Worse	31	25.6%
	Stayed the Same	75	62.0%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Mitchell I. Mutnick

Judge of the General District Court
19th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 115 completed surveys for Judge Mitchell I. Mutnick.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Mitchell I. Mutnick: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	35.7% 41	35.7% 41	25.2% 29	3.5% 4	0.0% 0
2. The judge is courteous in the courtroom	48.3% 55	28.1% 32	21.1% 24	2.6% 3	0.0% 0
3. The judge is conscientious in the performance of judicial duties	60.5% 69	28.1% 32	10.5% 12	0.9% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	60.5% 69	32.5% 37	7.0% 8	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	53.0% 61	24.4% 28	19.1% 22	3.5% 4	0.0% 0
6. The judge requires court participants to display respect toward one another	70.9% 78	23.6% 26	4.6% 5	0.9% 1	0.0% 0
7. The judge is attentive to the proceedings	74.8% 86	19.1% 22	6.1% 7	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	55.7% 64	26.1% 30	17.4% 20	0.9% 1	0.0% 0
9. The judge treats all parties in an impartial manner	57.4% 66	25.2% 29	15.7% 18	1.7% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	84.1% 74	14.8% 13	1.1% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	81.6% 93	18.4% 21	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	87.7% 100	11.4% 13	0.9% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	53.2% 59	29.7% 33	16.2% 18	0.9% 1	0.0% 0
14. The judge displays knowledge of the law	57.0% 65	31.6% 36	11.4% 13	0.0% 0	0.0% 0
15. The judge is faithful to the law	53.5% 61	32.5% 37	14.0% 16	0.0% 0	0.0% 0
16. The judge communicates effectively	62.6% 72	25.2% 29	12.2% 14	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	77.9% 88	22.1% 25	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	68.7% 79	27.0% 31	3.5% 4	0.9% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	63.4% 71	22.3% 25	14.3% 16	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	73.9% 82	25.2% 28	0.9% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	69.6% 80	27.0% 31	3.5% 4	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Mitchell I. Mutnick: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	54	47.8%
	Good	37	32.7%
	Needs Improvement	22	19.5%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	9	8.5%
	Worse	4	3.8%
	Stayed the Same	93	87.7%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Thomas W. Roe, Jr.

Judge of the General District Court
23rd Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 121 completed surveys for Judge Thomas W. Roe, Jr.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Thomas W. Roe, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	79.2% 95	18.3% 22	2.5% 3	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	86.7% 104	12.5% 15	0.8% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	86.4% 102	11.0% 13	1.7% 2	0.9% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	83.9% 99	13.6% 16	1.7% 2	0.9% 1	0.0% 0
5. The judge shows respect for all court participants	89.3% 108	9.1% 11	1.7% 2	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	86.7% 104	12.5% 15	0.8% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	89.2% 107	10.0% 12	0.8% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	85.0% 102	10.8% 13	2.5% 3	1.7% 2	0.0% 0
9. The judge treats all parties in an impartial manner	88.2% 105	6.7% 8	3.4% 4	1.7% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	92.9% 92	6.1% 6	1.0% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	90.0% 108	9.2% 11	0.8% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	86.6% 103	11.8% 14	1.7% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	88.1% 104	11.0% 13	0.9% 1	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	78.0% 92	16.1% 19	5.9% 7	0.0% 0	0.0% 0
15. The judge is faithful to the law	80.3% 94	13.7% 16	4.3% 5	1.7% 2	0.0% 0
16. The judge communicates effectively	86.7% 104	8.3% 10	5.0% 6	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	89.2% 107	10.0% 12	0.8% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	85.7% 102	12.6% 15	1.7% 2	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	88.3% 106	7.5% 9	3.3% 4	0.8% 1	0.0% 0
20. The judge convenes court without undue delay	88.2% 105	10.9% 13	0.8% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	89.2% 107	10.0% 12	0.8% 1	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Thomas W. Roe, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	100	87.0%
	Good	13	11.3%
	Needs Improvement	1	0.9%
	Unsatisfactory	1	0.9%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	15	14.4%
	Worse	2	1.9%
	Stayed the Same	87	83.7%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Randy C. Krantz

Judge of the General District Court
24th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 91 completed surveys for Judge Randy C. Krantz.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Randy C. Krantz: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	86.8% 79	13.2% 12	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	94.5% 86	5.5% 5	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	90.0% 81	10.0% 9	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	87.9% 80	12.1% 11	0.0% 0	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	93.4% 85	4.4% 4	2.2% 2	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	93.3% 84	6.7% 6	0.0% 0	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	93.4% 85	6.6% 6	0.0% 0	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	86.8% 79	7.7% 7	4.4% 4	1.1% 1	0.0% 0
9. The judge treats all parties in an impartial manner	91.2% 83	3.3% 3	4.4% 4	1.1% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	97.3% 72	2.7% 2	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	90.1% 82	9.9% 9	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	93.4% 85	5.5% 5	1.1% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	83.1% 69	14.5% 12	2.4% 2	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	81.7% 67	12.2% 10	4.9% 4	1.2% 1	0.0% 0
15. The judge is faithful to the law	81.9% 68	12.1% 10	4.8% 4	1.2% 1	0.0% 0
16. The judge communicates effectively	90.1% 82	9.9% 9	0.0% 0	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	83.5% 76	14.3% 13	2.2% 2	0.0% 0	0.0% 0
18. The judge's decisions are clear	89.0% 81	11.0% 10	0.0% 0	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	91.0% 81	3.4% 3	4.5% 4	1.1% 1	0.0% 0
20. The judge convenes court without undue delay	85.6% 77	12.2% 11	2.2% 2	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	67.8% 61	21.1% 19	10.0% 9	1.1% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Randy C. Krantz: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	77	85.6%
	Good	10	11.1%
	Needs Improvement	3	3.3%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	10	12.4%
	Worse	2	2.5%
	Stayed the Same	69	85.2%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Randal J. Duncan

Judge of the General District Court
27th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 86 completed surveys for Judge Randal J. Duncan.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Randal J. Duncan: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	73.3% 63	20.9% 18	5.8% 5	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	82.6% 71	14.0% 12	3.5% 3	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	80.2% 69	16.3% 14	2.3% 2	1.2% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	82.6% 71	15.1% 13	0.0% 0	2.3% 2	0.0% 0
5. The judge shows respect for all court participants	82.6% 71	14.0% 12	1.2% 1	1.2% 1	1.2% 1
6. The judge requires court participants to display respect toward one another	86.1% 74	12.8% 11	1.2% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	83.7% 72	10.5% 9	4.7% 4	1.2% 1	0.0% 0
8. The judge exhibits fairness to all parties	84.9% 73	9.3% 8	3.5% 3	1.2% 1	1.2% 1
9. The judge treats all parties in an impartial manner	82.4% 70	9.4% 8	5.9% 5	1.2% 1	1.2% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	87.5% 56	6.3% 4	4.7% 3	0.0% 0	1.6% 1
11. The judge maintains order in the courtroom	89.4% 76	9.4% 8	1.2% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	89.5% 77	9.3% 8	1.2% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	81.9% 59	15.3% 11	1.4% 1	0.0% 0	1.4% 1
14. The judge displays knowledge of the law	79.7% 59	16.2% 12	1.4% 1	2.7% 2	0.0% 0
15. The judge is faithful to the law	79.7% 59	16.2% 12	1.4% 1	1.4% 1	1.4% 1
16. The judge communicates effectively	82.6% 71	15.1% 13	1.2% 1	1.2% 1	0.0% 0
17. The judge is prompt in rendering decisions	90.6% 77	8.2% 7	1.2% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	87.1% 74	9.4% 8	2.4% 2	1.2% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	82.6% 71	12.8% 11	2.3% 2	1.2% 1	1.2% 1
20. The judge convenes court without undue delay	73.3% 63	19.8% 17	5.8% 5	1.2% 1	0.0% 0
21. The judge uses courtroom time efficiently	80.0% 68	16.5% 14	3.5% 3	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Randal J. Duncan: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	71	83.5%
	Good	10	11.8%
	Needs Improvement	1	1.2%
	Unsatisfactory	3	3.5%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	5	6.3%
	Worse	3	3.8%
	Stayed the Same	71	89.9%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable James E. Wisner

Judge of the Juvenile and Domestic Relations District Court
5th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 113 completed surveys for Judge James E. Wiser.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge James E. Wiser: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	68.8% 77	27.7% 31	2.7% 3	0.0% 0	0.9% 1
2. The judge is courteous in the courtroom	77.9% 88	21.2% 24	0.0% 0	0.0% 0	0.9% 1
3. The judge is conscientious in the performance of judicial duties	85.8% 97	9.7% 11	3.5% 4	0.9% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	83.9% 94	11.6% 13	2.7% 3	1.8% 2	0.0% 0
5. The judge shows respect for all court participants	83.2% 94	14.2% 16	1.8% 2	0.9% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	86.7% 98	11.5% 13	1.8% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	90.3% 102	8.9% 10	0.9% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	78.8% 89	16.8% 19	2.7% 3	1.8% 2	0.0% 0
9. The judge treats all parties in an impartial manner	77.0% 87	16.8% 19	2.7% 3	2.7% 3	0.9% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	90.7% 78	7.0% 6	1.2% 1	1.2% 1	0.0% 0
11. The judge maintains order in the courtroom	83.2% 94	15.9% 18	0.0% 0	0.9% 1	0.0% 0
12. The judge expects professional behavior of court participants	88.5% 100	10.6% 12	0.0% 0	0.9% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	71.1% 69	23.7% 23	5.2% 5	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	77.8% 77	16.2% 16	5.1% 5	1.0% 1	0.0% 0
15. The judge is faithful to the law	75.5% 74	16.3% 16	7.1% 7	1.0% 1	0.0% 0
16. The judge communicates effectively	78.6% 88	17.9% 20	3.6% 4	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	83.9% 94	14.3% 16	1.8% 2	0.0% 0	0.0% 0
18. The judge's decisions are clear	80.5% 91	15.9% 18	3.5% 4	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	79.8% 87	16.5% 18	2.8% 3	0.9% 1	0.0% 0
20. The judge convenes court without undue delay	78.4% 87	17.1% 19	3.6% 4	0.9% 1	0.0% 0
21. The judge uses courtroom time efficiently	77.7% 87	16.1% 18	6.3% 7	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of James E. Wiser: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	88	79.3%
	Good	17	15.3%
	Needs Improvement	6	5.4%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	15	15.2%
	Worse	1	1.0%
	Stayed the Same	83	83.8%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Marvin H. Dunkum, Jr.

Judge of the Juvenile and Domestic Relations District Court
10th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 73 completed surveys for Judge Marvin H. Dunkum, Jr.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Marvin H. Dunkum, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	76.7% 56	21.9% 16	1.4% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	82.2% 60	15.1% 11	2.7% 2	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	86.3% 63	12.3% 9	1.4% 1	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	83.6% 61	13.7% 10	2.7% 2	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	78.1% 57	17.8% 13	4.1% 3	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	82.2% 60	16.4% 12	1.4% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	83.3% 60	12.5% 9	2.8% 2	1.4% 1	0.0% 0
8. The judge exhibits fairness to all parties	80.8% 59	13.7% 10	5.5% 4	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	82.2% 60	13.7% 10	4.1% 3	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	81.8% 54	10.6% 7	4.6% 3	3.0% 2	0.0% 0
11. The judge maintains order in the courtroom	83.3% 60	15.3% 11	1.4% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	80.6% 58	15.3% 11	4.2% 3	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	82.6% 57	14.5% 10	2.9% 2	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	82.6% 57	15.9% 11	1.5% 1	0.0% 0	0.0% 0
15. The judge is faithful to the law	78.3% 54	17.4% 12	4.4% 3	0.0% 0	0.0% 0
16. The judge communicates effectively	80.8% 59	17.8% 13	1.4% 1	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	89.0% 65	11.0% 8	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	83.6% 61	16.4% 12	0.0% 0	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	76.7% 56	17.8% 13	5.5% 4	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	72.6% 53	17.8% 13	8.2% 6	1.4% 1	0.0% 0
21. The judge uses courtroom time efficiently	69.9% 51	23.3% 17	5.5% 4	1.4% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Marvin H. Dunkum, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	60	82.2%
	Good	12	16.4%
	Needs Improvement	1	1.4%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	5	7.3%
	Worse	0	0.0%
	Stayed the Same	64	92.8%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Nora J. Miller

Judge of the Juvenile and Domestic Relations District Court
10th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 61 completed surveys for Judge Nora J. Miller.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Nora J. Miller: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	68.9% 42	26.2% 16	4.9% 3	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	78.7% 48	18.0% 11	3.3% 2	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	86.4% 51	13.6% 8	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	91.4% 53	8.6% 5	0.0% 0	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	85.3% 52	9.8% 6	4.9% 3	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	85.3% 52	13.1% 8	1.6% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	93.3% 56	6.7% 4	0.0% 0	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	82.0% 50	14.8% 9	1.6% 1	1.6% 1	0.0% 0
9. The judge treats all parties in an impartial manner	82.0% 50	14.8% 9	1.6% 1	1.6% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	96.1% 49	2.0% 1	2.0% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	90.0% 54	10.0% 6	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	90.2% 55	9.8% 6	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	83.0% 44	15.1% 8	0.0% 0	1.9% 1	0.0% 0
14. The judge displays knowledge of the law	84.9% 45	11.3% 6	3.8% 2	0.0% 0	0.0% 0
15. The judge is faithful to the law	83.0% 44	13.2% 7	3.8% 2	0.0% 0	0.0% 0
16. The judge communicates effectively	86.9% 53	11.5% 7	1.6% 1	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	96.7% 59	3.3% 2	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	90.2% 55	9.8% 6	0.0% 0	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	88.3% 53	6.7% 4	3.3% 2	1.7% 1	0.0% 0
20. The judge convenes court without undue delay	88.1% 52	10.2% 6	1.7% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	90.0% 54	6.7% 4	3.3% 2	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Nora J. Miller: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	48	81.4%
	Good	10	17.0%
	Needs Improvement	1	1.7%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	8	14.6%
	Worse	0	0.0%
	Stayed the Same	47	85.5%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable D. Gregory Carr

Judge of the Juvenile and Domestic Relations District Court
12th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

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II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 112 completed surveys for Judge D. Gregory Carr.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge D. Gregory Carr: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	69.4% 77	19.8% 22	8.1% 9	1.8% 2	0.9% 1
2. The judge is courteous in the courtroom	78.4% 87	18.0% 20	2.7% 3	0.9% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	72.1% 80	15.3% 17	9.9% 11	1.8% 2	0.9% 1
4. The judge is diligent in the performance of judicial duties	66.4% 73	16.4% 18	10.9% 12	5.5% 6	0.9% 1
5. The judge shows respect for all court participants	75.0% 84	16.1% 18	6.3% 7	1.8% 2	0.9% 1
6. The judge requires court participants to display respect toward one another	80.2% 89	14.4% 16	3.6% 4	0.9% 1	0.9% 1
7. The judge is attentive to the proceedings	79.3% 88	16.2% 18	1.8% 2	1.8% 2	0.9% 1
8. The judge exhibits fairness to all parties	70.3% 78	17.1% 19	9.0% 10	2.7% 3	0.9% 1
9. The judge treats all parties in an impartial manner	71.8% 79	14.6% 16	10.0% 11	1.8% 2	1.8% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	77.9% 67	16.3% 14	3.5% 3	1.2% 1	1.2% 1
11. The judge maintains order in the courtroom	80.0% 88	17.3% 19	1.8% 2	0.9% 1	0.0% 0
12. The judge expects professional behavior of court participants	80.2% 89	17.1% 19	1.8% 2	0.0% 0	0.9% 1
13. The judge allows lawyers appropriate latitude in presentation of their case	67.0% 69	19.4% 20	7.8% 8	3.9% 4	1.9% 2
14. The judge displays knowledge of the law	75.7% 78	16.5% 17	3.9% 4	1.0% 1	2.9% 3
15. The judge is faithful to the law	70.9% 73	17.5% 18	5.8% 6	2.9% 3	2.9% 3
16. The judge communicates effectively	77.5% 86	15.3% 17	4.5% 5	1.8% 2	0.9% 1
17. The judge is prompt in rendering decisions	68.5% 76	22.5% 25	7.2% 8	1.8% 2	0.0% 0
18. The judge's decisions are clear	73.6% 81	19.1% 21	4.6% 5	1.8% 2	0.9% 1
19. The judge performs judicial duties without bias or prejudice	73.6% 81	17.3% 19	4.6% 5	3.6% 4	0.9% 1
20. The judge convenes court without undue delay	46.9% 52	31.5% 35	9.9% 11	9.9% 11	1.8% 2
21. The judge uses courtroom time efficiently	50.5% 56	27.0% 30	12.6% 14	7.2% 8	2.7% 3

**Attorney, Bailiff, and Court Reporter
Evaluation of D. Gregory Carr: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	77	70.0%
	Good	17	15.5%
	Needs Improvement	14	12.7%
	Unsatisfactory	2	1.8%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	10	9.6%
	Worse	9	8.7%
	Stayed the Same	85	81.7%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Mary E. Langer

Judge of the Juvenile and Domestic Relations District Court
13th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 85 completed surveys for Judge Mary E. Langer.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Mary E. Langer: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	31.8% 27	29.4% 25	25.9% 22	9.4% 8	3.5% 3
2. The judge is courteous in the courtroom	38.8% 33	23.5% 20	25.9% 22	8.2% 7	3.5% 3
3. The judge is conscientious in the performance of judicial duties	61.2% 52	23.5% 20	9.4% 8	4.7% 4	1.2% 1
4. The judge is diligent in the performance of judicial duties	66.3% 53	17.5% 14	8.8% 7	5.0% 4	2.5% 2
5. The judge shows respect for all court participants	43.5% 37	18.8% 16	23.5% 20	10.6% 9	3.5% 3
6. The judge requires court participants to display respect toward one another	57.1% 48	28.6% 24	8.3% 7	4.8% 4	1.2% 1
7. The judge is attentive to the proceedings	72.9% 62	16.5% 14	5.9% 5	3.5% 3	1.2% 1
8. The judge exhibits fairness to all parties	56.5% 48	14.1% 12	16.5% 14	9.4% 8	3.5% 3
9. The judge treats all parties in an impartial manner	57.7% 49	12.9% 11	16.5% 14	9.4% 8	3.5% 3
10. The judge avoids inappropriate <i>ex parte</i> communications	82.4% 56	10.3% 7	5.9% 4	1.5% 1	0.0% 0
11. The judge maintains order in the courtroom	75.0% 63	19.1% 16	3.6% 3	2.4% 2	0.0% 0
12. The judge expects professional behavior of court participants	69.9% 58	21.7% 18	6.0% 5	2.4% 2	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	47.6% 40	23.8% 20	15.5% 13	10.7% 9	2.4% 2
14. The judge displays knowledge of the law	68.7% 57	15.7% 13	10.8% 9	3.6% 3	1.2% 1
15. The judge is faithful to the law	60.7% 51	22.6% 19	8.3% 7	7.1% 6	1.2% 1
16. The judge communicates effectively	56.5% 48	21.2% 18	12.9% 11	9.4% 8	0.0% 0
17. The judge is prompt in rendering decisions	70.2% 59	21.4% 18	6.0% 5	2.4% 2	0.0% 0
18. The judge's decisions are clear	63.4% 52	24.4% 20	9.8% 8	2.4% 2	0.0% 0
19. The judge performs judicial duties without bias or prejudice	63.1% 53	10.7% 9	14.3% 12	7.1% 6	4.8% 4
20. The judge convenes court without undue delay	61.5% 51	31.3% 26	4.8% 4	2.4% 2	0.0% 0
21. The judge uses courtroom time efficiently	61.7% 50	25.9% 21	8.6% 7	2.5% 2	1.2% 1

**Attorney, Bailiff, and Court Reporter
Evaluation of Mary E. Langer: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	38	46.3%
	Good	21	25.6%
	Needs Improvement	13	15.9%
	Unsatisfactory	10	12.2%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	11	15.7%
	Worse	2	2.9%
	Stayed the Same	57	81.4%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable William L. Lewis

Judge of the Juvenile and Domestic Relations District Court
15th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 56 completed surveys for Judge William L. Lewis.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge William L. Lewis: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	73.2% 41	17.9% 10	8.9% 5	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	78.6% 44	17.9% 10	3.6% 2	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	67.9% 38	23.2% 13	7.1% 4	1.8% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	69.6% 39	16.1% 9	12.5% 7	1.8% 1	0.0% 0
5. The judge shows respect for all court participants	73.2% 41	23.2% 13	1.8% 1	1.8% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	71.4% 40	17.9% 10	10.7% 6	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	78.6% 44	14.3% 8	7.1% 4	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	71.4% 40	19.6% 11	7.1% 4	1.8% 1	0.0% 0
9. The judge treats all parties in an impartial manner	72.7% 40	16.4% 9	9.1% 5	1.8% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	81.3% 39	10.4% 5	6.3% 3	2.1% 1	0.0% 0
11. The judge maintains order in the courtroom	64.3% 36	26.8% 15	7.1% 4	1.8% 1	0.0% 0
12. The judge expects professional behavior of court participants	71.4% 40	17.9% 10	10.7% 6	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	82.4% 42	7.8% 4	9.8% 5	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	70.6% 36	15.7% 8	9.8% 5	3.9% 2	0.0% 0
15. The judge is faithful to the law	70.0% 35	18.0% 9	8.0% 4	4.0% 2	0.0% 0
16. The judge communicates effectively	53.6% 30	21.4% 12	21.4% 12	3.6% 2	0.0% 0
17. The judge is prompt in rendering decisions	50.9% 28	27.3% 15	18.2% 10	3.6% 2	0.0% 0
18. The judge's decisions are clear	60.0% 33	27.3% 15	10.9% 6	1.8% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	74.6% 41	16.4% 9	9.1% 5	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	53.6% 30	17.9% 10	25.0% 14	3.6% 2	0.0% 0
21. The judge uses courtroom time efficiently	39.3% 22	19.6% 11	33.9% 19	7.1% 4	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of William L. Lewis: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	36	64.3%
	Good	12	21.4%
	Needs Improvement	7	12.5%
	Unsatisfactory	1	1.8%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	8	15.7%
	Worse	2	3.9%
	Stayed the Same	41	80.4%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Robin L. Robb

Judge of the Juvenile and Domestic Relations District Court
17th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 78 completed surveys for Judge Robin L. Robb.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Robin L. Robb: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	51.3% 40	35.9% 28	9.0% 7	2.6% 2	1.3% 1
2. The judge is courteous in the courtroom	65.4% 51	21.8% 17	10.3% 8	1.3% 1	1.3% 1
3. The judge is conscientious in the performance of judicial duties	65.4% 51	23.1% 18	10.3% 8	1.3% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	64.9% 50	20.8% 16	10.4% 8	3.9% 3	0.0% 0
5. The judge shows respect for all court participants	69.2% 54	14.1% 11	10.3% 8	5.1% 4	1.3% 1
6. The judge requires court participants to display respect toward one another	71.2% 52	17.8% 13	8.2% 6	2.7% 2	0.0% 0
7. The judge is attentive to the proceedings	76.9% 60	18.0% 14	3.9% 3	1.3% 1	0.0% 0
8. The judge exhibits fairness to all parties	58.4% 45	24.7% 19	9.1% 7	6.5% 5	1.3% 1
9. The judge treats all parties in an impartial manner	57.9% 44	22.4% 17	10.5% 8	6.6% 5	2.6% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	78.2% 43	12.7% 7	9.1% 5	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	70.5% 55	21.8% 17	7.7% 6	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	74.3% 55	17.6% 13	5.4% 4	2.7% 2	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	50.0% 34	33.8% 23	11.8% 8	2.9% 2	1.5% 1
14. The judge displays knowledge of the law	55.9% 38	22.1% 15	17.7% 12	4.4% 3	0.0% 0
15. The judge is faithful to the law	57.4% 39	17.7% 12	19.1% 13	5.9% 4	0.0% 0
16. The judge communicates effectively	63.6% 49	22.1% 17	10.4% 8	2.6% 2	1.3% 1
17. The judge is prompt in rendering decisions	67.5% 52	20.8% 16	6.5% 5	3.9% 3	1.3% 1
18. The judge's decisions are clear	62.8% 49	24.4% 19	10.3% 8	1.3% 1	1.3% 1
19. The judge performs judicial duties without bias or prejudice	64.9% 50	15.6% 12	10.4% 8	9.1% 7	0.0% 0
20. The judge convenes court without undue delay	64.9% 50	19.5% 15	11.7% 9	2.6% 2	1.3% 1
21. The judge uses courtroom time efficiently	60.3% 47	18.0% 14	16.7% 13	3.9% 3	1.3% 1

**Attorney, Bailiff, and Court Reporter
Evaluation of Robin L. Robb: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	45	57.7%
	Good	22	28.2%
	Needs Improvement	8	10.3%
	Unsatisfactory	3	3.9%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	12	17.1%
	Worse	4	5.7%
	Stayed the Same	54	77.1%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Todd G. Petit

Judge of the Juvenile and Domestic Relations District Court
19th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 106 completed surveys for Judge Todd G. Petit.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Todd G. Petit: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	81.1% 86	18.9% 20	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	88.6% 93	9.5% 10	1.9% 2	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	89.5% 94	7.6% 8	0.0% 0	1.9% 2	1.0% 1
4. The judge is diligent in the performance of judicial duties	90.5% 95	7.6% 8	0.0% 0	1.9% 2	0.0% 0
5. The judge shows respect for all court participants	88.6% 93	9.5% 10	0.0% 0	1.9% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	82.0% 82	15.0% 15	2.0% 2	0.0% 0	1.0% 1
7. The judge is attentive to the proceedings	91.5% 97	6.6% 7	0.9% 1	0.0% 0	0.9% 1
8. The judge exhibits fairness to all parties	82.9% 87	15.2% 16	0.0% 0	1.0% 1	1.0% 1
9. The judge treats all parties in an impartial manner	84.8% 89	11.4% 12	1.9% 2	0.0% 0	1.9% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	88.9% 72	7.4% 6	2.5% 2	1.2% 1	0.0% 0
11. The judge maintains order in the courtroom	88.7% 94	9.4% 10	1.9% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	85.4% 88	12.6% 13	1.0% 1	1.0% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	81.7% 85	16.4% 17	0.0% 0	1.0% 1	1.0% 1
14. The judge displays knowledge of the law	78.9% 82	19.2% 20	0.0% 0	1.0% 1	1.0% 1
15. The judge is faithful to the law	80.6% 83	16.5% 17	1.0% 1	1.0% 1	1.0% 1
16. The judge communicates effectively	86.8% 92	11.3% 12	0.9% 1	0.9% 1	0.0% 0
17. The judge is prompt in rendering decisions	85.7% 90	10.5% 11	1.9% 2	1.0% 1	1.0% 1
18. The judge's decisions are clear	85.9% 91	11.3% 12	1.9% 2	0.0% 0	0.9% 1
19. The judge performs judicial duties without bias or prejudice	86.7% 91	9.5% 10	1.9% 2	1.0% 1	1.0% 1
20. The judge convenes court without undue delay	80.8% 84	12.5% 13	2.9% 3	2.9% 3	1.0% 1
21. The judge uses courtroom time efficiently	81.9% 86	14.3% 15	2.9% 3	1.0% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Todd G. Petit: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	92	86.8%
	Good	12	11.3%
	Needs Improvement	0	0.0%
	Unsatisfactory	2	1.9%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	14	16.1%
	Worse	1	1.2%
	Stayed the Same	72	82.8%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Dale M. Wiley

Judge of the Juvenile and Domestic Relations District Court
22nd Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 40 completed surveys for Judge Dale M. Wiley.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Dale M. Wiley: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	32.5% 13	40.0% 16	17.5% 7	10.0% 4	0.0% 0
2. The judge is courteous in the courtroom	47.5% 19	40.0% 16	10.0% 4	2.5% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	82.5% 33	17.5% 7	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	82.5% 33	15.0% 6	2.5% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	57.5% 23	27.5% 11	12.5% 5	2.5% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	80.0% 32	20.0% 8	0.0% 0	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	95.0% 38	2.5% 1	2.5% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	72.5% 29	20.0% 8	7.5% 3	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	72.5% 29	20.0% 8	7.5% 3	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	94.3% 33	5.7% 2	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	82.5% 33	17.5% 7	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	92.5% 37	7.5% 3	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	61.1% 22	27.8% 10	8.3% 3	2.8% 1	0.0% 0
14. The judge displays knowledge of the law	86.1% 31	5.6% 2	8.3% 3	0.0% 0	0.0% 0
15. The judge is faithful to the law	83.8% 31	5.4% 2	10.8% 4	0.0% 0	0.0% 0
16. The judge communicates effectively	85.0% 34	10.0% 4	5.0% 2	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	82.5% 33	15.0% 6	2.5% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	85.0% 34	12.5% 5	2.5% 1	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	76.9% 30	18.0% 7	5.1% 2	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	87.5% 35	12.5% 5	0.0% 0	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	87.5% 35	5.0% 2	5.0% 2	2.5% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Dale M. Wiley: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	28	71.8%
	Good	6	15.4%
	Needs Improvement	5	12.8%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	2	5.3%
	Worse	2	5.3%
	Stayed the Same	34	89.5%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Robert Louis Harrison, Jr.

Judge of the Juvenile and Domestic Relations District Court
24th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 64 completed surveys for Judge Robert Louis Harrison, Jr.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Robert Louis Harrison, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	46.9% 30	39.1% 25	14.1% 9	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	59.4% 38	23.4% 15	17.2% 11	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	64.1% 41	26.6% 17	7.8% 5	1.6% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	60.3% 38	30.2% 19	9.5% 6	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	56.3% 36	28.1% 18	12.5% 8	3.1% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	57.8% 37	32.8% 21	9.4% 6	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	60.9% 39	20.3% 13	18.8% 12	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	56.3% 36	26.6% 17	15.6% 10	0.0% 0	1.6% 1
9. The judge treats all parties in an impartial manner	54.7% 35	28.1% 18	14.1% 9	1.6% 1	1.6% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	63.8% 37	17.2% 10	13.8% 8	5.2% 3	0.0% 0
11. The judge maintains order in the courtroom	70.3% 45	23.4% 15	6.3% 4	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	65.1% 41	27.0% 17	7.9% 5	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	48.4% 30	27.4% 17	24.2% 15	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	55.6% 35	30.2% 19	11.1% 7	3.2% 2	0.0% 0
15. The judge is faithful to the law	47.6% 30	25.4% 16	23.8% 15	3.2% 2	0.0% 0
16. The judge communicates effectively	53.1% 34	34.4% 22	12.5% 8	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	65.6% 42	31.3% 20	3.1% 2	0.0% 0	0.0% 0
18. The judge's decisions are clear	53.1% 34	28.1% 18	18.8% 12	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	61.9% 39	23.8% 15	12.7% 8	0.0% 0	1.6% 1
20. The judge convenes court without undue delay	53.1% 34	34.4% 22	12.5% 8	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	54.0% 34	31.8% 20	14.3% 9	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Robert Louis Harrison, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	29	46.0%
	Good	23	36.5%
	Needs Improvement	10	15.9%
	Unsatisfactory	1	1.6%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	3	5.4%
	Worse	5	8.9%
	Stayed the Same	48	85.7%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Correy R. Smith

Judge of the Juvenile and Domestic Relations District Court
25th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 68 completed surveys for Judge Correy R. Smith.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Correy R. Smith: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	50.0% 34	35.3% 24	13.2% 9	1.5% 1	0.0% 0
2. The judge is courteous in the courtroom	64.7% 44	27.9% 19	7.4% 5	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	66.2% 45	22.1% 15	10.3% 7	1.5% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	66.2% 45	25.0% 17	8.8% 6	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	66.2% 45	22.1% 15	10.3% 7	1.5% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	61.8% 42	27.9% 19	10.3% 7	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	72.1% 49	23.5% 16	4.4% 3	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	61.8% 42	22.1% 15	14.7% 10	1.5% 1	0.0% 0
9. The judge treats all parties in an impartial manner	61.2% 41	25.4% 17	11.9% 8	1.5% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	63.8% 37	20.7% 12	13.8% 8	1.7% 1	0.0% 0
11. The judge maintains order in the courtroom	67.7% 46	20.6% 14	10.3% 7	1.5% 1	0.0% 0
12. The judge expects professional behavior of court participants	71.2% 47	16.7% 11	12.1% 8	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	58.2% 39	28.4% 19	10.5% 7	3.0% 2	0.0% 0
14. The judge displays knowledge of the law	59.1% 39	25.8% 17	12.1% 8	3.0% 2	0.0% 0
15. The judge is faithful to the law	54.6% 36	30.3% 20	10.6% 7	4.6% 3	0.0% 0
16. The judge communicates effectively	67.2% 45	19.4% 13	13.4% 9	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	70.2% 47	22.4% 15	7.5% 5	0.0% 0	0.0% 0
18. The judge's decisions are clear	65.7% 44	22.4% 15	11.9% 8	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	64.2% 43	22.4% 15	11.9% 8	1.5% 1	0.0% 0
20. The judge convenes court without undue delay	67.7% 46	26.5% 18	4.4% 3	1.5% 1	0.0% 0
21. The judge uses courtroom time efficiently	63.6% 42	27.3% 18	6.1% 4	3.0% 2	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Correy R. Smith: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	36	52.9%
	Good	26	38.2%
	Needs Improvement	6	8.8%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	15	24.6%
	Worse	0	0.0%
	Stayed the Same	46	75.4%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Elizabeth Kellas Burton

Judge of the Juvenile and Domestic Relations District Court
26th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 36 completed surveys for Judge Elizabeth Kellas Burton.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Elizabeth Kellas Burton: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	61.1% 22	33.3% 12	5.6% 2	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	80.6% 29	16.7% 6	2.8% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	83.3% 30	16.7% 6	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	86.1% 31	13.9% 5	0.0% 0	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	91.7% 33	5.6% 2	2.8% 1	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	80.6% 29	13.9% 5	5.6% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	100.0% 36	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	86.1% 31	11.1% 4	2.8% 1	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	88.9% 32	8.3% 3	2.8% 1	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	94.1% 32	2.9% 1	2.9% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	88.9% 32	5.6% 2	2.8% 1	2.8% 1	0.0% 0
12. The judge expects professional behavior of court participants	88.9% 32	8.3% 3	2.8% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	82.9% 29	14.3% 5	2.9% 1	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	85.7% 30	11.4% 4	2.9% 1	0.0% 0	0.0% 0
15. The judge is faithful to the law	80.0% 28	11.4% 4	8.6% 3	0.0% 0	0.0% 0
16. The judge communicates effectively	83.3% 30	16.7% 6	0.0% 0	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	97.1% 34	2.9% 1	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	82.9% 29	14.3% 5	2.9% 1	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	91.7% 33	8.3% 3	0.0% 0	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	88.9% 32	11.1% 4	0.0% 0	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	85.7% 30	8.6% 3	5.7% 2	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Elizabeth Kellas Burton: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	30	83.3%
	Good	6	16.7%
	Needs Improvement	0	0.0%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	6	18.2%
	Worse	1	3.0%
	Stayed the Same	26	78.8%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Laura F. Robinson

Judge of the Juvenile and Domestic Relations District Court
29th Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

Survey and Evaluation Research Laboratory
L. Douglas Wilder School of Government and Public Affairs
Virginia Commonwealth University

on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

2021



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 57 completed surveys for Judge Laura F. Robinson.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Laura F. Robinson: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	58.9% 33	26.8% 15	10.7% 6	3.6% 2	0.0% 0
2. The judge is courteous in the courtroom	73.7% 42	15.8% 9	8.8% 5	1.8% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	66.1% 37	14.3% 8	14.3% 8	5.4% 3	0.0% 0
4. The judge is diligent in the performance of judicial duties	66.1% 37	17.9% 10	10.7% 6	3.6% 2	1.8% 1
5. The judge shows respect for all court participants	67.9% 38	21.4% 12	3.6% 2	5.4% 3	1.8% 1
6. The judge requires court participants to display respect toward one another	62.5% 35	26.8% 15	5.4% 3	3.6% 2	1.8% 1
7. The judge is attentive to the proceedings	69.6% 39	16.1% 9	8.9% 5	3.6% 2	1.8% 1
8. The judge exhibits fairness to all parties	66.1% 37	17.9% 10	10.7% 6	3.6% 2	1.8% 1
9. The judge treats all parties in an impartial manner	66.1% 37	16.1% 9	10.7% 6	5.4% 3	1.8% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	64.0% 32	14.0% 7	12.0% 6	6.0% 3	4.0% 2
11. The judge maintains order in the courtroom	71.4% 40	10.7% 6	16.1% 9	1.8% 1	0.0% 0
12. The judge expects professional behavior of court participants	70.9% 39	12.7% 7	12.7% 7	1.8% 1	1.8% 1
13. The judge allows lawyers appropriate latitude in presentation of their case	66.0% 35	20.8% 11	7.6% 4	5.7% 3	0.0% 0
14. The judge displays knowledge of the law	64.2% 34	17.0% 9	13.2% 7	1.9% 1	3.8% 2
15. The judge is faithful to the law	64.2% 34	17.0% 9	13.2% 7	1.9% 1	3.8% 2
16. The judge communicates effectively	71.4% 40	16.1% 9	8.9% 5	1.8% 1	1.8% 1
17. The judge is prompt in rendering decisions	76.8% 43	16.1% 9	5.4% 3	1.8% 1	0.0% 0
18. The judge's decisions are clear	72.7% 40	18.2% 10	5.5% 3	3.6% 2	0.0% 0
19. The judge performs judicial duties without bias or prejudice	65.5% 36	20.0% 11	7.3% 4	3.6% 2	3.6% 2
20. The judge convenes court without undue delay	64.3% 36	25.0% 14	10.7% 6	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	71.4% 40	16.1% 9	8.9% 5	3.6% 2	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Laura F. Robinson: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	37	67.3%
	Good	9	16.4%
	Needs Improvement	6	10.9%
	Unsatisfactory	3	5.5%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	9	17.7%
	Worse	3	5.9%
	Stayed the Same	39	76.5%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable D. Scott Bailey

Judge of the Juvenile and Domestic Relations District Court
31st Judicial District

Submitted to:

The Chair of the Senate Committee on the Judiciary
The Chair of the House Committee for Courts of Justice

Prepared by:

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on behalf of the
Judicial Performance Evaluation Program
Supreme Court of Virginia

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VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for judges and information for use by the General Assembly in the judicial re-election process. Code of Virginia § 17.1-100. This report is submitted, as required under that section, to be used in the re-election process. Judges have also had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and “shall not be disclosed” by the judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges; 3 years for circuit court judges. The survey instrument completed by attorneys contained 23 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

Bailiffs and court reporters were surveyed for judges at all levels of the trial courts. In-court clerk’s office staff were surveyed for circuit court judges only. The surveys for these groups contain 19 of the 23 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served in the courts with approved plans to restart jury trials during a period of six months before the compilation of this report, also received surveys that included 13 of the 23 performance-based factors. The juror surveys were handed out, together with preaddressed, postage paid envelopes, at the conclusion of jury service. The surveys were returned by the jurors to VCU-SERL by mail. [The number of juror surveys was affected for circuit court judges in 2021 as a result of the COVID-19 pandemic; however, the timing of juror survey distribution was consistent for all judges in the group.]

III. Report Content

For each performance factor on the survey, this report presents the aggregate number of responses and the corresponding percentage of responses for each category. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 109 completed surveys for Judge D. Scott Bailey.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge D. Scott Bailey: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	41.3% 45	33.9% 37	17.4% 19	6.4% 7	0.9% 1
2. The judge is courteous in the courtroom	55.1% 60	26.6% 29	13.8% 15	3.7% 4	0.9% 1
3. The judge is conscientious in the performance of judicial duties	78.0% 85	13.8% 15	7.3% 8	0.9% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	78.5% 84	14.0% 15	5.6% 6	1.9% 2	0.0% 0
5. The judge shows respect for all court participants	61.5% 67	18.4% 20	13.8% 15	5.5% 6	0.9% 1
6. The judge requires court participants to display respect toward one another	80.4% 86	16.8% 18	2.8% 3	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	82.6% 90	12.8% 14	3.7% 4	0.9% 1	0.0% 0
8. The judge exhibits fairness to all parties	74.3% 81	11.9% 13	11.9% 13	1.8% 2	0.0% 0
9. The judge treats all parties in an impartial manner	71.6% 78	14.7% 16	11.9% 13	1.8% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	83.9% 73	12.6% 11	2.3% 2	1.2% 1	0.0% 0
11. The judge maintains order in the courtroom	85.2% 92	13.0% 14	1.9% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	84.4% 92	14.7% 16	0.9% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	71.2% 74	19.2% 20	5.8% 6	2.9% 3	1.0% 1
14. The judge displays knowledge of the law	80.2% 85	14.2% 15	4.7% 5	0.9% 1	0.0% 0
15. The judge is faithful to the law	78.3% 83	14.2% 15	6.6% 7	0.0% 0	0.9% 1
16. The judge communicates effectively	76.2% 83	12.8% 14	9.2% 10	1.8% 2	0.0% 0
17. The judge is prompt in rendering decisions	87.0% 94	12.0% 13	0.9% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	80.6% 87	15.7% 17	2.8% 3	0.9% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	76.2% 83	17.4% 19	3.7% 4	2.8% 3	0.0% 0
20. The judge convenes court without undue delay	76.2% 83	20.2% 22	3.7% 4	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	79.6% 86	14.8% 16	4.6% 5	0.9% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of D. Scott Bailey: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	74	69.2%
	Good	19	17.8%
	Needs Improvement	13	12.2%
	Unsatisfactory	1	0.9%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	16	16.5%
	Worse	3	3.1%
	Stayed the Same	78	80.4%