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November 18, 2022

DELIVERED VIA E-MAIL

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

The Honorable R. Creigh Deeds, Co-Chair
Senate Committee on the Judiciary
Pocahontas Building
Capitol Square
Richmond, Virginia 23219

The Honorable Robert B. Bell, Chair
House Committee for Courts of Justice
Pocahontas Building
Capitol Square
Richmond, Virginia 23219

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

Dear Chairs Edwards, Deeds and Bell:

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 Honorable John S. Edwards, Co-Chair
The Honorable R. Creigh Deeds, Co-Chair
The Honorable Robert B. Bell, Chair
November 18, 2022
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The attached document includes the evaluation reports prepared for the justices and judges, listed below, who are eligible for re-election during the 2023 Session of the General Assembly. Each has 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 report for each circuit court judge includes, as an addendum, the information provided by the Virginia Criminal Sentencing Commission as required in Virginia Code § 17.1-100(A).

Supreme Court of Virginia Justice

1. The Honorable Cleo E. Powell

Court of Appeals of Virginia Judges

2. The Honorable Mary Grace O’Brien
3. The Honorable Richard Y. AtLee, Jr.

Circuit Court Judges

4. The Honorable Johnny E. Morrison, Third Judicial Circuit
5. The Honorable Gary A. Mills, Seventh Judicial Circuit
6. The Honorable Richard H. Rizk, Ninth Judicial Circuit
7. The Honorable Dennis M. Martin, Eleventh Judicial Circuit
8. The Honorable John Marshall, Fourteenth Judicial Circuit
9. The Honorable Gordon F. Willis, Fifteenth Judicial Circuit
10. The Honorable Cheryl V. Higgins, Sixteenth Judicial Circuit
11. The Honorable Penney S. Azcarate, Nineteenth Judicial Circuit
12. The Honorable Stephen C. Shannon, Nineteenth Judicial Circuit
13. The Honorable Douglas L. Fleming, Jr., Twentieth Judicial Circuit
14. The Honorable Michael T. Garrett, Twenty-Fourth Judicial Circuit
15. The Honorable Alexander R. Iden, Twenty-Sixth Judicial Circuit
16. The Honorable Hugh Lee Harrell, Twenty-Seventh Judicial Circuit
17. The Honorable Kimberly A. Irving, Thirty-First Judicial Circuit
18. The Honorable Tracy Calvin Hudson, Thirty-First Judicial Circuit

General District Court Judges

19. The Honorable Alfred W. Bates, III, Fifth Judicial District
20. The Honorable Corry N. Smith, Eighth Judicial District
21. The Honorable James J. O’Connell, III, Twelfth Judicial District
22. The Honorable Susan J. Stoney, Nineteenth Judicial District
23. The Honorable Scott R. Geddes, Twenty-Third Judicial District
24. The Honorable Rupen R. Shah, Twenty-Fifth Judicial District

The Honorable John S. Edwards, Co-Chair
The Honorable R. Creigh Deeds, Co-Chair
The Honorable Robert B. Bell, Chair
November 18, 2022
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Juvenile and Domestic Relations District Court Judges

25. The Honorable Larry D. Willis, Sr., First Judicial District
26. The Honorable Bryan K. Meals, Third Judicial District
27. The Honorable Stan D. Clark, Fifth Judicial District
28. The Honorable Julian W. Johnson, Fifteenth Judicial District
29. The Honorable Shannon O. Hoehl, Fifteenth Judicial District
30. The Honorable Constance H. Frogale, Eighteenth Judicial District
31. The Honorable Melissa N. Cupp, Twentieth Judicial District
32. The Honorable Pamela L. Brooks, Twentieth Judicial District
33. The Honorable Paul A. Tucker, Twenty-Fifth Judicial 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 Heard Rosser, Division of Legislative Services

Judicial Performance Evaluation Program Information for General Assembly Members – 2022

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 had at least one interim performance evaluation for self-improvement purposes. The interim evaluation is confidential and "shall not be disclosed" by the judge. Va. Code § 17.1-100(C).

Data obtained through the Judicial Performance Evaluation surveys may be subject to biases that can be difficult or impossible to measure. Aside from real differences in judicial performance, analyses have shown that survey responses may be influenced by the evaluators' biases related to the judge's race, ethnicity, and/or gender. The survey instruments were modified in 2016 to minimize such biases, but personal biases among the evaluators may remain.

Also, ratings of judges in different jurisdictions may not be truly comparable because of differences in the respondents to the surveys, the numbers or types of cases heard in different jurisdictions, or other unique contextual factors. Statistical comparisons by jurisdiction can be influenced by small numbers of judges being evaluated, real differences seen in ratings of judges who are low or high outliers, the particular mix of judges who are up for evaluation in the year, and unique characteristics of the jurisdictions themselves.

Therefore, as the process of judicial evaluation, including the survey instrument, was not designed to make comparisons, attempting to make comparisons among judges should be avoided.

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 Supreme Court and 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.
 - Supreme Court justices and 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 appellate 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 fewer 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 Cleo E. Powell

Justice of the Supreme Court of Virginia

Submitted to:

The Co-Chairs 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

2022



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I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for justices and 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 justice or 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 justice or judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation methods were written surveys and opinion reviews. The justice or judge was reviewed by three groups: attorneys who appeared before the justice or 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 justice within the past three years. The justice selected the opinions, which were required to come from the following categories:

- a. One criminal opinion,
- b. One civil opinion,
- c. One additional 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 May 2022 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 justice’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 146 completed surveys for Justice Cleo E. Powell (64 circuit court judge surveys and 82 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 justice selected for review.

PART I
SECTION A

ATTORNEY SURVEYS

Evaluation of Justice Cleo E. Powell: Evaluation Summary

Performance Factors: Oral Argument	Every Time	Frequently	Some of the Time	Rarely	Never
1. The justice displays patience in the courtroom	92.2% 71	7.8% 6	0.0% 0	0.0% 0	0.0% 0
2. The justice is courteous in the courtroom	95.0% 76	5.0% 4	0.0% 0	0.0% 0	0.0% 0
3. The justice is conscientious in the performance of judicial duties	94.2% 65	2.9% 2	0.0% 0	0.0% 0	2.9% 2
4. The justice is diligent in the performance of judicial duties	94.4% 67	1.4% 1	1.4% 1	1.4% 1	1.4% 1
5. The justice shows respect for all court participants	91.5% 75	7.3% 6	1.2% 1	0.0% 0	0.0% 0
6. The justice is attentive to the proceedings	88.6% 70	7.6% 6	3.8% 30	0.0% 0	0.0% 0
7. The justice exhibits fairness to all parties	89.6% 69	6.5% 5	1.3% 1	1.3% 1	1.3% 1
8. The justice treats all parties in an impartial manner	92.1% 70	5.3% 4	1.3% 1	1.3% 1	0.0% 0
9. The justice avoids inappropriate <i>ex parte</i> communications	98.1% 52	1.9% 1	0.0% 0	0.0% 0	0.0% 0
10. The justice expects professional behavior of court participants	94.3% 66	5.7% 4	0.0% 0	0.0% 0	0.0% 0
11. The justice allows lawyers appropriate latitude in presentation of their case	90.8% 69	7.9% 6	1.3% 1	0.0% 0	0.0% 0
12. The justice displays knowledge of the law	80.8% 59	13.7% 10	4.1% 3	1.4% 1	0.0% 0
13. The justice communicates effectively	81.7% 58	11.3% 8	5.6% 4	0.0% 0	1.4% 1
14. The justice performs judicial duties without bias or prejudice	90.4% 66	5.5% 4	2.7% 2	1.4% 1	0.0% 0
15. The justice asks relevant questions	77.8% 56	12.5% 9	5.6% 4	0.0% 0	4.2% 3

Evaluation of Justice Cleo E. Powell: Evaluation Summary

Performance Factor: Written Opinions	Every Time	Frequently	Some of the Time	Rarely	Never
1. The justice writes opinions that exhibit the proper application of judicial precedents	59.2% 29	32.7% 16	4.1% 2	2.0% 1	2.0% 1
2. The justice writes opinions that adequately explain the basis of the court's decision	72.0% 36	20.0% 10	6.0% 3	0.0% 0	2.0% 1
3. The justice writes opinions that provide an applicable standard of review for the case, if any	78.0% 39	10.0% 5	8.0% 4	2.0% 1	2.0% 1
4. The justice writes opinions that provide clear direction to the lower tribunal or court	78.7% 37	14.9% 7	4.3% 2	0.0% 0	2.1% 1
5. The justice writes opinions that clearly set forth any rules of law to be used in future cases	68.0% 34	24.0% 12	4.0% 2	4.0% 2	0.0% 0
6. The justice writes opinions that clearly present the facts needed to decide the case before the court	80.0% 40	12.0% 6	2.0% 1	2.0% 1	4.0% 2
7. The justice writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	81.6% 40	12.2% 6	4.1% 2	0.0% 0	2.0% 1
8. The justice writes separate opinions that are appropriate in tone	86.1% 31	8.3% 3	5.6% 2	0.0% 0	0.0% 0
9. The justice writes opinions that are clear	68.0% 34	24.0% 12	4.0% 2	2.0% 1	2.0% 1
10. The justice writes opinions in which the legal reasoning is easy to follow	72.0% 36	20.0% 10	2.0% 1	2.0% 1	4.0% 2

Evaluation of Justice Cleo E. Powell: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Justice's overall performance	Excellent	61	81.3%
	Good	9	12.0%
	Needs Improvement	2	2.7%
	Unsatisfactory	3	4.0%
In general, over the last three years, has the justice's overall court-related performance become...	Better	3	6.4%
	Worse	1	2.1%
	Stayed the Same	43	91.5%

PART I
SECTION B

CIRCUIT COURT JUDGE SURVEYS

Evaluation of Justice Cleo E. Powell: Evaluation Summary

Performance Factor: Written Opinions	Every Time	Frequently	Some of the Time	Rarely	Never
1. The justice writes opinions that exhibit the proper application of judicial precedents	69.4% 43	27.4% 17	3.2% 2	0.0% 0	0.0% 0
2. The justice writes opinions that adequately explain the basis of the court's decision	65.6% 42	31.3% 20	3.1% 2	0.0% 0	0.0% 0
3. The justice writes opinions that provide an applicable standard of review for the case, if any	68.3% 43	31.7% 20	0.0% 0	0.0% 0	0.0% 0
4. The justice writes opinions that provide clear direction to the lower tribunal or court	65.1% 41	31.7% 20	3.2% 2	0.0% 0	0.0% 0
5. The justice writes opinions that clearly set forth any rules of law to be used in future cases	65.1% 41	33.3% 21	1.6% 1	0.0% 0	0.0% 0
6. The justice writes opinions that clearly present the facts needed to decide the case before the court	71.9% 46	25.0% 16	3.1% 2	0.0% 0	0.0% 0
7. The justice writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	68.8% 44	29.7% 19	1.6% 1	0.0% 0	0.0% 0
8. The justice writes separate opinions that are appropriate in tone	73.5% 36	26.5% 13	0.0% 0	0.0% 0	0.0% 0
9. The justice writes opinions that are clear	73.4% 47	25.0% 16	1.6% 1	0.0% 0	0.0% 0
10. The justice writes opinions in which the legal reasoning is easy to follow	68.8% 44	26.6% 17	4.7% 3	0.0% 0	0.0% 0

Evaluation of Justice Cleo E. Powell: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Justice's overall performance	Excellent	50	80.6%
	Good	12	19.4%
	Needs Improvement	0	0.0%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the justice's overall court-related performance become...	Better	2	3.7%
	Worse	1	1.9%
	Stayed the Same	51	94.4%

PART I
SECTION C

COMBINED SURVEYS:
ATTORNEYS AND CIRCUIT COURT JUDGES

Evaluation of Justice Cleo E. Powell: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The justice writes opinions that exhibit the proper application of judicial precedents	64.9% 72	29.7% 33	3.6% 4	0.9% 1	0.9% 1
2. The justice writes opinions that adequately explain the basis of the court's decision	68.4% 78	26.3% 30	4.4% 5	0.0% 0	0.9% 1
3. The justice writes opinions that provide an applicable standard of review for the case, if any	72.6% 82	22.1% 25	3.5% 4	0.9% 1	0.9% 1
4. The justice writes opinions that provide clear direction to the lower tribunal or court	70.9% 78	24.5% 27	3.6% 4	0.0% 0	0.9% 1
5. The justice writes opinions that clearly set forth any rules of law to be used in future cases	66.4% 75	29.2% 33	2.7% 3	1.8% 2	0.0% 0
6. The justice writes opinions that clearly present the facts needed to decide the case before the court	75.4% 86	19.3% 22	2.6% 3	0.9% 1	1.8% 2
7. The justice writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	74.3% 84	22.1% 25	2.7% 3	0.0% 0	0.9% 1
8. The justice writes separate opinions that are appropriate in tone	78.8% 67	18.8% 16	2.4% 2	0.0% 0	0.0% 0
9. The justice writes opinions that are clear	71.1% 81	24.6% 28	2.6% 3	0.9% 1	0.9% 1
10. The justice writes opinions in which the legal reasoning is easy to follow	70.2% 80	23.7% 27	3.5% 4	0.9% 1	1.8% 2

Evaluation of Justice Cleo E. Powell: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Justice's overall performance	Excellent	111	81.0%
	Good	21	15.3%
	Needs Improvement	2	1.5%
	Unsatisfactory	3	2.2%
In general, over the last three years, has the justice's overall court-related performance become...	Better	5	5.0%
	Worse	2	2.0%
	Stayed the Same	94	93.1%

PART II

OPINION REVIEW
BY
APPELLATE OPINION REVIEW COMMITTEE

Evaluation of Justice Cleo E. Powell: Opinion Review
Case Name: Watson-Scott 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: More than one of the committee members commented that the opinion would have been strengthened by naming the "populous city" in which the crime occurred.

Evaluation of Justice Cleo E. Powell: Opinion Review
Case Name: Watson-Scott v. Commonwealth

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

Evaluation of Justice Cleo E. Powell: Opinion Review
Case Name: Watson-Scott 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 Justice Cleo E. Powell: Opinion Review
Case Name: Berry v. FitzHugh

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 was very complimentary of Justice Powell's ability as a writer. One committee member commented that the interplay between the statute and the common law could have been discussed more.

Evaluation of Justice Cleo E. Powell: Opinion Review
Case Name: Berry v. FitzHugh

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

Evaluation of Justice Cleo E. Powell: Opinion Review
Case Name: Berry v. FitzHugh

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: Comments from the committee included: "Outstanding." "Clearly written."

Evaluation of Justice Cleo E. Powell: Opinion Review
Case Name: Dumfries-Triangle Rescue Squad v. Prince William

Performance Factor: Legal Analysis and Reasoning

The opinion adequately explains the basis of the court's decision	Agree
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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
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The opinion provides clear direction to the trial courts	Agree
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Comments: Committee comments included: "Well reasoned and well written" "Good discussion of the Dillon Rule." "Well-analyzed." "Good standard of review analysis." "Good statutory analysis."

Evaluation of Justice Cleo E. Powell: Opinion Review
Case Name: Dumfries-Triangle Rescue Squad v. Prince William

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

Evaluation of Justice Cleo E. Powell: Opinion Review
Case Name: Dumfries-Triangle Rescue Squad v. Prince William

Performance Factors: Clarity

The opinion is clear	Agree
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The opinion adequately summarizes the relevant facts in the case	Agree
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The opinion's legal reasoning is easy to follow	Agree
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Evaluation of Justice Cleo E. Powell: Opinion Review

Case Name: Bethea v. Commonwealth

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

Evaluation of Justice Cleo E. Powell: Opinion Review

Case Name: Bethea v. Commonwealth

Performance Factor: Fairness

(For a concurring or dissenting opinion)

The opinion is appropriate in tone

Agree

Comments: The committee was pleased to see Justice Powell call it as she saw it: the prosecutor was not honest with the court.

Evaluation of Justice Cleo E. Powell: Opinion Review

Case Name: Bethea 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

Comments: One committee commented that the majority and the dissent missed an opportunity to tell the trial bench that it needed to do a better job in making an accurate and complete record of voir dire. Another committee member thought that the dissent was "on the long side, but probably needed to be long because the majority opinion was long."

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Mary Grace O'Brien

Judge of the Court of Appeals of Virginia

Submitted to:

The Co-Chairs 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

2022



I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for justices and 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 justice or 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 justice or judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation methods were written surveys and opinion reviews. The justice or judge was reviewed by three groups: attorneys who appeared before the justice or 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, if available.

The Committee had the option of reviewing additional opinions at the Committee’s discretion. The Committee met in May 2022 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 107 completed surveys for Judge Mary Grace O’Brien (50 circuit court judge surveys and 57 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 Mary Grace O'Brien: Evaluation Summary

Performance Factors: Oral Argument	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	96.4% 54	1.8% 1	1.8% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	94.7% 54	3.5% 2	1.8% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	94.3% 50	3.8% 2	0.0% 0	1.9% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	96.2% 51	1.9% 1	0.0% 0	1.9% 1	0.0% 0
5. The judge shows respect for all court participants	94.7% 54	3.5% 2	0.0% 0	1.8% 1	0.0% 0
6. The judge is attentive to the proceedings	94.6% 53	3.6% 2	1.8% 1	0.0% 0	0.0% 0
7. The judge exhibits fairness to all parties	91.1% 51	5.4% 3	1.8% 1	0.0% 0	1.8% 1
8. The judge treats all parties in an impartial manner	91.2% 52	5.3% 3	1.8% 1	0.0% 0	1.8% 1
9. The judge avoids inappropriate <i>ex parte</i> communications	97.6% 40	2.4% 1	0.0% 0	0.0% 0	0.0% 0
10. The judge expects professional behavior of court participants	94.5% 52	3.6% 2	1.8% 1	0.0% 0	0.0% 0
11. The judge allows lawyers appropriate latitude in presentation of their case	90.9% 50	3.6% 2	3.6% 2	1.8% 1	0.0% 0
12. The judge displays knowledge of the law	85.7% 48	8.9% 5	3.6% 2	1.8% 1	0.0% 0
13. The judge communicates effectively	85.7% 48	8.9% 5	5.4% 3	0.0% 0	0.0% 0
14. The judge performs judicial duties without bias or prejudice	94.2% 49	3.8% 2	0.0% 0	0.0% 0	1.9% 1
15. The judge asks relevant questions	83.9% 47	8.9% 5	5.4% 3	1.8% 1	0.0% 0

Evaluation of Judge Mary Grace O'Brien: 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	78.4% 29	16.2% 6	5.4% 2	0.0% 0	0.0% 0
2. The judge writes opinions that adequately explain the basis of the court's decision	77.8% 28	16.7% 6	5.6% 2	0.0% 0	0.0% 0
3. The judge writes opinions that provide an applicable standard of review for the case, if any	86.5% 32	8.1% 3	5.4% 2	0.0% 0	0.0% 0
4. The judge writes opinions that provide clear direction to the lower tribunal or court	82.4% 28	11.8% 4	5.9% 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	77.1% 27	17.1% 6	2.9% 1	2.9% 1	0.0% 0
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	78.4% 29	16.2% 6	2.7% 1	2.7% 1	0.0% 0
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	83.8% 31	10.8% 4	2.7% 1	2.7% 1	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	85.7% 24	10.7% 3	3.6% 1	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	83.8% 31	10.8% 4	5.4% 2	0.0% 0	0.0% 0
10. The judge writes opinions in which the legal reasoning is easy to follow	80.6% 29	13.9% 5	2.8% 1	2.8% 1	0.0% 0

Evaluation of Judge Mary Grace O'Brien: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	45	81.8%
	Good	7	12.7%
	Needs Improvement	2	3.6%
	Unsatisfactory	1	1.8%
In general, over the last three years, has the judge's overall court-related performance become...	Better	3	9.4%
	Worse	1	3.1%
	Stayed the Same	28	87.5%

PART I
SECTION B

CIRCUIT COURT JUDGE SURVEYS

Evaluation of Judge Mary Grace O'Brien: 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	78.0% 39	22.0% 11	0.0% 0	0.0% 0	0.0% 0
2. The judge writes opinions that adequately explain the basis of the court's decision	74.0% 37	26.0% 13	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	71.4% 35	28.6% 14	0.0% 0	0.0% 0	0.0% 0
4. The judge writes opinions that provide clear direction to the lower tribunal or court	77.6% 38	22.4% 11	0.0% 0	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	74.0% 37	26.0% 13	0.0% 0	0.0% 0	0.0% 0
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	84.0% 42	16.0% 8	0.0% 0	0.0% 0	0.0% 0
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	79.6% 39	20.4% 10	0.0% 0	0.0% 0	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	76.9% 30	23.1% 9	0.0% 0	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	79.6% 39	20.4% 10	0.0% 0	0.0% 0	0.0% 0
10. The judge writes opinions in which the legal reasoning is easy to follow	77.6% 38	22.4% 11	0.0% 0	0.0% 0	0.0% 0

Evaluation of Judge Mary Grace O'Brien: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	43	87.8%
	Good	6	12.2%
	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	4	9.5%
	Worse	0	0.0%
	Stayed the Same	38	90.5%

PART I
SECTION C

COMBINED SURVEYS:
ATTORNEYS AND CIRCUIT COURT JUDGES

Evaluation of Judge Mary Grace O'Brien: 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	78.2% 68	19.5% 17	2.3% 2	0.0% 0	0.0% 0
2. The judge writes opinions that adequately explain the basis of the court's decision	75.6% 65	22.1% 19	2.3% 2	0.0% 0	0.0% 0
3. The judge writes opinions that provide an applicable standard of review for the case, if any	77.9% 67	19.8% 17	2.3% 2	0.0% 0	0.0% 0
4. The judge writes opinions that provide clear direction to the lower tribunal or court	79.5% 66	18.1% 15	2.4% 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	75.3% 64	22.4% 19	1.2% 1	1.2% 1	0.0% 0
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	81.6% 71	16.1% 14	1.1% 1	1.1% 1	0.0% 0
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	81.4% 70	16.3% 14	1.2% 1	1.2% 1	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	80.6% 54	17.9% 12	1.5% 1	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	81.4% 70	16.3% 14	2.3% 2	0.0% 0	0.0% 0
10. The judge writes opinions in which the legal reasoning is easy to follow	78.8% 67	18.8% 16	1.2% 1	1.2% 1	0.0% 0

Evaluation of Judge Mary Grace O'Brien: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	88	84.6%
	Good	13	12.5%
	Needs Improvement	2	1.9%
	Unsatisfactory	1	1.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	7	9.5%
	Worse	1	1.4%
	Stayed the Same	66	89.2%

PART II

OPINION REVIEW
BY
APPELLATE OPINION REVIEW COMMITTEE

Evaluation of Judge Mary Grace O'Brien: Opinion Review
Case Name: Keepers 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 was very complimentary of Judge O'Brien's writing abilities. The committee's comments on this opinion included: "Good storyteller." "A little too long with too many quotations." "Perhaps should have cited US Supreme Court precedent more."

Evaluation of Judge Mary Grace O'Brien: Opinion Review
Case Name: Keepers v. Commonwealth

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

Evaluation of Judge Mary Grace O'Brien: Opinion Review
Case Name: Keepers 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 Mary Grace O'Brien: Opinion Review
Case Name: Cooper v. Laurent

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: "Good discussion of Keel and changed circumstances." "Good guidance on the issue of waiving a motion to strike by putting on evidence in the moving party's case in chief." "Why was this opinion not published?"

Evaluation of Judge Mary Grace O'Brien: Opinion Review
Case Name: Cooper v. Laurent

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

Evaluation of Judge Mary Grace O'Brien: Opinion Review
Case Name: Cooper v. Laurent

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 Mary Grace O'Brien: Opinion Review
Case Name: JMU v. Housden

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: "Well reasoned, clear, easy to follow." "Footnote 1 should have been incorporated into the text of the opinion."

Evaluation of Judge Mary Grace O'Brien: Opinion Review
Case Name: JMU v. Housden

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

Evaluation of Judge Mary Grace O'Brien: Opinion Review
Case Name: JMU v. Housden

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 Mary Grace O'Brien: Opinion Review

Case Name: Robinson v. Commonwealth

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

Evaluation of Judge Mary Grace O'Brien: Opinion Review

Case Name: Robinson v. Commonwealth

Performance Factor: Fairness

(For a concurring or dissenting opinion)

The opinion is appropriate in tone

Agree

Comments: "Well written" "Admirable tone in dissent."

Evaluation of Judge Mary Grace O'Brien: 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

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Richard Y. AtLee Jr.

Judge of the Court of Appeals of Virginia

Submitted to:

The Co-Chairs 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

2022



VCU

I. Program Purpose and Use of this Report

The Judicial Performance Evaluation (JPE) Program provides a self-improvement resource for justices and 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 justice or 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 justice or judge. Code of Virginia § 17.1-100(C).

II. Evaluation Methodology

The evaluation methods were written surveys and opinion reviews. The justice or judge was reviewed by three groups: attorneys who appeared before the justice or 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, if available.

The Committee had the option of reviewing additional opinions at the Committee’s discretion. The Committee met in May 2022 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 105 completed surveys for Judge Richard Y. AtLee Jr. (41 circuit court judge surveys and 64 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 Richard Y. AtLee, Jr.: Evaluation Summary

Performance Factors: Oral Argument	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	88.9% 56	7.9% 5	1.6% 1	1.6% 1	0.0% 0
2. The judge is courteous in the courtroom	95.2% 59	3.2% 2	1.6% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	91.5% 54	3.4% 2	3.4% 2	1.7% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	88.3% 53	6.7% 4	3.3% 2	1.7% 1	0.0% 0
5. The judge shows respect for all court participants	93.5% 58	3.2% 2	1.6% 1	0.0% 0	1.6% 1
6. The judge is attentive to the proceedings	89.1% 57	7.8% 5	3.1% 2	0.0% 0	0.0% 0
7. The judge exhibits fairness to all parties	85.2% 52	8.2% 5	3.3% 2	3.3% 2	0.0% 0
8. The judge treats all parties in an impartial manner	86.7% 52	6.7% 4	3.3% 2	1.7% 1	1.7% 1
9. The judge avoids inappropriate <i>ex parte</i> communications	100.0% 44	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge expects professional behavior of court participants	96.6% 57	3.4% 2	0.0% 0	0.0% 0	0.0% 0
11. The judge allows lawyers appropriate latitude in presentation of their case	86.9% 53	6.6% 4	4.9% 3	1.6% 1	0.0% 0
12. The judge displays knowledge of the law	83.3% 50	6.7% 4	6.7% 4	1.7% 1	1.7% 1
13. The judge communicates effectively	82.0% 50	11.5% 7	4.9% 3	0.0% 0	1.6% 1
14. The judge performs judicial duties without bias or prejudice	86.2% 50	6.9% 4	5.2% 3	0.0% 0	1.7% 1
15. The judge asks relevant questions	80.0% 48	8.3% 5	10.0% 6	1.7% 1	0.0% 0

Evaluation of Judge Richard Y. AtLee, Jr.: 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	73.9% 34	15.2% 7	6.5% 3	4.3% 2	0.0% 0
2. The judge writes opinions that adequately explain the basis of the court's decision	76.1% 35	17.4% 8	4.3% 2	2.2% 1	0.0% 0
3. The judge writes opinions that provide an applicable standard of review for the case, if any	75.0% 33	18.2% 8	6.8% 3	0.0% 0	0.0% 0
4. The judge writes opinions that provide clear direction to the lower tribunal or court	77.5% 31	17.5% 7	2.5% 1	2.5% 1	0.0% 0
5. The judge writes opinions that clearly set forth any rules of law to be used in future cases	79.5% 35	11.4% 5	9.1% 4	0.0% 0	0.0% 0
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	77.3% 34	18.2% 8	2.3% 1	2.3% 1	0.0% 0
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	77.3% 34	15.9% 7	2.3% 1	4.5% 2	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	76.5% 26	20.6% 7	2.9% 1	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	80.0% 36	15.6% 7	4.4% 2	0.0% 0	0.0% 0
10. The judge writes opinions in which the legal reasoning is easy to follow	77.8% 35	13.3% 6	6.7% 3	2.2% 1	0.0% 0

Evaluation of Judge Richard Y. AtLee, Jr.: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	48	77.4%
	Good	6	9.7%
	Needs Improvement	7	11.3%
	Unsatisfactory	1	1.6%
In general, over the last three years, has the judge's overall court-related performance become...	Better	4	11.8%
	Worse	1	2.9%
	Stayed the Same	29	85.3%

PART I
SECTION B

CIRCUIT COURT JUDGE SURVEYS

Evaluation of Judge Richard Y. AtLee, Jr.: 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	70.7% 29	24.4% 10	4.9% 2	0.0% 0	0.0% 0
2. The judge writes opinions that adequately explain the basis of the court's decision	75.6% 31	17.1% 7	7.3% 3	0.0% 0	0.0% 0
3. The judge writes opinions that provide an applicable standard of review for the case, if any	73.2% 30	22.0% 9	4.9% 2	0.0% 0	0.0% 0
4. The judge writes opinions that provide clear direction to the lower tribunal or court	63.4% 26	29.3% 12	7.3% 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	65.9% 27	24.4% 10	9.8% 4	0.0% 0	0.0% 0
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	70.7% 29	22.0% 9	7.3% 3	0.0% 0	0.0% 0
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	70.0% 28	27.5% 11	2.5% 1	0.0% 0	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	67.7% 21	25.8% 8	6.5% 2	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	68.3% 28	22.0% 9	9.8% 4	0.0% 0	0.0% 0
10. The judge writes opinions in which the legal reasoning is easy to follow	68.3% 28	22.0% 9	9.8% 4	0.0% 0	0.0% 0

Evaluation of Judge Richard Y. AtLee, Jr.: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	31	81.6%
	Good	7	18.4%
	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	4	12.1%
	Worse	0	0.0%
	Stayed the Same	29	87.9%

PART I
SECTION C

COMBINED SURVEYS:
ATTORNEYS AND CIRCUIT COURT JUDGES

Evaluation of Judge Richard Y. AtLee, Jr.: 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	72.4% 63	19.5% 17	5.7% 5	2.3% 2	0.0% 0
2. The judge writes opinions that adequately explain the basis of the court's decision	75.9% 66	17.2% 15	5.7% 5	1.1% 1	0.0% 0
3. The judge writes opinions that provide an applicable standard of review for the case, if any	74.1% 63	20.0% 17	5.9% 5	0.0% 0	0.0% 0
4. The judge writes opinions that provide clear direction to the lower tribunal or court	70.4% 57	23.5% 19	4.9% 4	1.2% 1	0.0% 0
5. The judge writes opinions that clearly set forth any rules of law to be used in future cases	72.9% 62	17.6% 15	9.4% 8	0.0% 0	0.0% 0
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	74.1% 63	20.0% 17	4.7% 4	1.2% 1	0.0% 0
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	73.8% 62	21.4% 18	2.4% 2	2.4% 2	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	72.3% 47	23.1% 15	4.6% 3	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	74.4% 64	18.6% 16	7.0% 6	0.0% 0	0.0% 0
10. The judge writes opinions in which the legal reasoning is easy to follow	73.3% 63	17.4% 15	8.1% 7	1.2% 1	0.0% 0

Evaluation of Judge Richard Y. AtLee, Jr.: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	79	79.0%
	Good	13	13.0%
	Needs Improvement	7	7.0%
	Unsatisfactory	1	1.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	8	11.9%
	Worse	1	1.5%
	Stayed the Same	58	86.6%

PART II

OPINION REVIEW
BY
APPELLATE OPINION REVIEW COMMITTEE

Evaluation of Judge Richard Y. AtLee, Jr.: Opinion Review
Case Name: Carlson 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 included: "Good discussion of independent source, attenuation, and inevitable discovery."

Evaluation of Judge Richard Y. AtLee, Jr.: Opinion Review
Case Name: Carlson v. Commonwealth

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

Evaluation of Judge Richard Y. AtLee, Jr.: Opinion Review
Case Name: Carlson 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

Comments: A majority of the committee thought that the opinion was marred by too many footnotes, and footnotes that were too long. "In general, if it's important enough to say it should be in the body of the opinion." "Footnotes distract from the clarity of the opinion."

Evaluation of Judge Richard Y. AtLee, Jr.: Opinion Review
Case Name: Jacobs v. Wilcoxson

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 include: "Judge AtLee justifies his conclusions well."

Evaluation of Judge Richard Y. AtLee, Jr.: Opinion Review
Case Name: Jacobs v. Wilcoxson

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

Evaluation of Judge Richard Y. AtLee, Jr.: Opinion Review
Case Name: Jacobs v. Wilcoxson

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: "Admirable brevity."

Evaluation of Judge Richard Y. AtLee, Jr.: Opinion Review
Case Name: Magic City Ford v. Kerr

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: "Good job" "It was good to say in the opinion that unpublished opinions are not binding precedent" "Clear and cogent."

Evaluation of Judge Richard Y. AtLee, Jr.: Opinion Review
Case Name: Magic City Ford v. Kerr

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

Evaluation of Judge Richard Y. AtLee, Jr.: Opinion Review
Case Name: Magic City Ford v. Kerr

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 Johnny E. Morrison

Judge of the Circuit Court
3rd Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 Johnny E. Morrison for groups other than jurors, and a total of 9 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Johnny E. Morrison: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	41.7% 58	25.9% 36	22.3% 31	10.1% 14	0.0% 0
2. The judge is courteous in the courtroom	46.0% 64	25.9% 36	22.3% 31	5.8% 8	0.0% 0
3. The judge is conscientious in the performance of judicial duties	60.6% 83	19.7% 27	15.3% 21	4.4% 6	0.0% 0
4. The judge is diligent in the performance of judicial duties	58.1% 79	19.9% 27	13.2% 18	7.4% 10	1.5% 2
5. The judge shows respect for all court participants	51.1% 71	21.6% 30	20.9% 29	5.8% 8	0.7% 1
6. The judge requires court participants to display respect toward one another	69.6% 94	23.0% 31	4.4% 6	3.0% 4	0.0% 0
7. The judge is attentive to the proceedings	66.4% 93	17.1% 24	11.4% 16	4.3% 6	0.7% 1
8. The judge exhibits fairness to all parties	58.1% 79	16.9% 23	18.4% 25	6.6% 9	0.0% 0
9. The judge treats all parties in an impartial manner	63.2% 86	16.9% 23	13.2% 18	6.6% 9	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	80.6% 83	14.6% 15	4.9% 5	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	79.0% 109	17.4% 24	2.2% 3	1.5% 2	0.0% 0
12. The judge expects professional behavior of court participants	83.5% 116	11.5% 16	5.0% 7	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	53.7% 66	17.9% 22	17.1% 21	10.6% 13	0.8% 1
14. The judge displays knowledge of the law	62.1% 77	19.4% 24	14.5% 18	3.2% 4	0.8% 1
15. The judge is faithful to the law	57.7% 71	17.9% 22	17.1% 21	6.5% 8	0.8% 1
16. The judge communicates effectively	54.7% 76	17.3% 24	18.7% 26	8.6% 12	0.7% 1
17. The judge is prompt in rendering decisions	63.9% 85	15.0% 20	12.8% 17	6.8% 9	1.5% 2
18. The judge's decisions are clear	57.7% 79	17.5% 24	19.0% 26	4.4% 6	1.5% 2
19. The judge performs judicial duties without bias or prejudice	64.0% 87	15.4% 21	12.5% 17	6.6% 9	1.5% 2
20. The judge convenes court without undue delay	50.0% 69	23.2% 32	12.3% 17	10.1% 14	4.4% 6
21. The judge uses courtroom time efficiently	56.5% 78	21.7% 30	10.1% 14	8.0% 11	3.6% 5

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Johnny E. Morrison: Evaluation Summary**

Performance Factor		Survey Responses	
		Number	Percent
Judge's overall performance	Excellent	66	47.1%
	Good	36	25.7%
	Needs Improvement	27	19.3%
	Unsatisfactory	11	7.9%
In general, over the last three years, has the judge's overall court-related performance become...	Better	7	6.2%
	Worse	14	12.4%
	Stayed the Same	92	81.4%

PART B: Juror Evaluation of Johnny E. Morrison: Evaluation Summary

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

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	6 75.0%
	Good	2 25.0%
	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 2016 – FY 2022**

The Honorable Johnny E. Morrison
3rd 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
2016	77	13	0
2017	88	20	0
2018	58	14	0
2019	55	14	0
2020	27	9	0
2021	15	6	0
2022	14	5	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Gary A. Mills

Judge of the Circuit Court
7th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 143 completed surveys for Judge Gary A. Mills for groups other than jurors, and a total of 21 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Gary A. Mills: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	75.5% 108	21.0% 30	3.5% 5	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	81.1% 116	16.1% 23	2.8% 4	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	87.1% 121	10.8% 15	2.2% 3	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	84.3% 118	12.1% 17	3.6% 5	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	83.9% 120	12.6% 18	3.5% 5	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	80.4% 111	18.1% 25	1.5% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	88.8% 127	11.2% 16	0.0% 0	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	81.0% 115	14.8% 21	4.2% 6	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	80.1% 113	14.9% 21	5.0% 7	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	86.1% 105	10.7% 13	1.6% 2	1.6% 2	0.0% 0
11. The judge maintains order in the courtroom	86.5% 122	13.5% 19	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	85.3% 122	13.3% 19	1.4% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	82.1% 110	14.2% 19	3.0% 4	0.8% 1	0.0% 0
14. The judge displays knowledge of the law	81.6% 111	14.0% 19	4.4% 6	0.0% 0	0.0% 0
15. The judge is faithful to the law	80.2% 109	15.4% 21	3.7% 5	0.7% 1	0.0% 0
16. The judge communicates effectively	82.5% 118	14.7% 21	2.1% 3	0.7% 1	0.0% 0
17. The judge is prompt in rendering decisions	82.9% 116	15.0% 21	1.4% 2	0.7% 1	0.0% 0
18. The judge's decisions are clear	78.6% 110	17.1% 24	3.6% 5	0.7% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	83.5% 116	14.4% 20	1.4% 2	0.7% 1	0.0% 0
20. The judge convenes court without undue delay	85.0% 119	13.6% 19	1.4% 2	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	81.4% 114	15.7% 22	2.9% 4	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Gary A. Mills: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	116	81.7%
	Good	22	15.5%
	Needs Improvement	4	2.8%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	15	12.5%
	Worse	1	0.8%
	Stayed the Same	104	86.7%

PART B: Juror Evaluation of Gary A. Mills: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	95.2% 20	4.8% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	95.2% 20	4.8% 1	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 21	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	95.2% 20	4.8% 1	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 21	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	95.2% 20	4.8% 1	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 21	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 21	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	90.5% 19	9.5% 2	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 21	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	90.5% 19	4.8% 1	4.8% 1	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	90.5% 19	9.5% 2	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	20 95.2%
	Good	1 4.8%
	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 2016 – FY 2022**

The Honorable Gary A. Mills
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
2016	87	10	0
2017	98	19	0
2018	133	17	0
2019	81	5	0
2020	68	11	0
2021	53	6	0
2022	29	5	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Richard H. Rizk

Judge of the Circuit Court
9th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 154 completed surveys for Judge Richard H. Rizk for groups other than jurors, and a total of 2 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Richard H. Rizk: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	91.6% 141	8.4% 13	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	94.2% 145	5.8% 9	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	93.3% 140	4.7% 7	1.3% 2	0.0% 0	0.7% 1
4. The judge is diligent in the performance of judicial duties	93.5% 143	5.2% 8	0.0% 0	0.7% 1	0.7% 1
5. The judge shows respect for all court participants	94.2% 145	5.2% 8	0.0% 0	0.0% 0	0.7% 1
6. The judge requires court participants to display respect toward one another	94.7% 143	4.6% 7	0.0% 0	0.0% 0	0.7% 1
7. The judge is attentive to the proceedings	96.8% 149	2.0% 3	0.7% 1	0.0% 0	0.7% 1
8. The judge exhibits fairness to all parties	92.8% 142	6.5% 10	0.0% 0	0.0% 0	0.7% 1
9. The judge treats all parties in an impartial manner	93.5% 143	6.5% 10	0.0% 0	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	95.2% 120	4.8% 6	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	96.1% 147	3.9% 6	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	96.1% 147	3.9% 6	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	91.3% 126	8.0% 11	0.0% 0	0.0% 0	0.7% 1
14. The judge displays knowledge of the law	92.8% 128	5.8% 8	0.7% 1	0.0% 0	0.7% 1
15. The judge is faithful to the law	89.9% 124	7.3% 10	2.2% 3	0.0% 0	0.7% 1
16. The judge communicates effectively	94.2% 145	4.6% 7	0.7% 1	0.0% 0	0.7% 1
17. The judge is prompt in rendering decisions	92.2% 141	5.2% 8	1.3% 2	0.7% 1	0.7% 1
18. The judge's decisions are clear	94.8% 146	4.6% 7	0.0% 0	0.0% 0	0.7% 1
19. The judge performs judicial duties without bias or prejudice	92.1% 140	6.6% 10	0.7% 1	0.0% 0	0.7% 1
20. The judge convenes court without undue delay	94.8% 146	4.6% 7	0.0% 0	0.0% 0	0.7% 1
21. The judge uses courtroom time efficiently	88.3% 136	9.1% 14	2.0% 3	0.7% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Richard H. Rizk: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	139	90.9%
	Good	12	7.8%
	Needs Improvement	2	1.3%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	22	16.8%
	Worse	0	0.0%
	Stayed the Same	109	83.2%

PART B: Juror Evaluation of Richard H. Rizk: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 2	0.0% 0	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% 2	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	100.0% 2	0.0% 0	0.0% 0	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% 2	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 2	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	100.0% 2	0.0% 0	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 2016 – FY 2022**

The Honorable Richard H. Rizk
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
2016	116	23	0
2017	137	19	0
2018	157	17	0
2019	184	22	0
2020	139	21	0
2021	119	15	0
2022	96	9	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Dennis M. Martin

Judge of the Circuit Court
11th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 132 completed surveys for Judge Dennis M. Martin for groups other than jurors, and a total of 7 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Dennis M. Martin: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	68.7% 90	26.0% 34	3.1% 4	1.5% 2	0.8% 1
2. The judge is courteous in the courtroom	80.2% 105	16.0% 21	3.1% 4	0.0% 0	0.8% 1
3. The judge is conscientious in the performance of judicial duties	84.7% 111	12.2% 16	1.5% 2	1.5% 2	0.0% 0
4. The judge is diligent in the performance of judicial duties	83.0% 107	15.5% 20	0.8% 1	0.8% 1	0.0% 0
5. The judge shows respect for all court participants	83.3% 110	12.1% 16	3.8% 5	0.0% 0	0.8% 1
6. The judge requires court participants to display respect toward one another	82.7% 105	12.6% 16	2.4% 3	2.4% 3	0.0% 0
7. The judge is attentive to the proceedings	87.7% 114	10.8% 14	0.0% 0	1.5% 2	0.0% 0
8. The judge exhibits fairness to all parties	80.2% 105	14.5% 19	3.8% 5	0.8% 1	0.8% 1
9. The judge treats all parties in an impartial manner	83.7% 108	11.6% 15	3.1% 4	0.8% 1	0.8% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	92.9% 91	6.1% 6	1.0% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	88.5% 115	7.7% 10	3.1% 4	0.8% 1	0.0% 0
12. The judge expects professional behavior of court participants	87.0% 114	9.2% 12	3.8% 5	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	80.2% 93	14.7% 17	2.6% 3	1.7% 2	0.9% 1
14. The judge displays knowledge of the law	79.5% 93	13.7% 16	4.3% 5	0.9% 1	1.7% 2
15. The judge is faithful to the law	81.6% 93	11.4% 13	4.4% 5	0.9% 1	1.8% 2
16. The judge communicates effectively	79.4% 104	16.0% 21	2.3% 3	1.5% 2	0.8% 1
17. The judge is prompt in rendering decisions	83.6% 107	14.8% 19	1.6% 2	0.0% 0	0.0% 0
18. The judge's decisions are clear	86.7% 111	9.4% 12	1.6% 2	1.6% 2	0.8% 1
19. The judge performs judicial duties without bias or prejudice	83.2% 104	12.0% 15	3.2% 4	0.8% 1	0.8% 1
20. The judge convenes court without undue delay	83.0% 107	15.5% 20	1.6% 2	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	81.5% 106	13.9% 18	4.6% 6	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Dennis M. Martin: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	102	79.1%
	Good	22	17.1%
	Needs Improvement	3	2.3%
	Unsatisfactory	2	1.6%
In general, over the last three years, has the judge's overall court-related performance become...	Better	15	13.8%
	Worse	1	0.9%
	Stayed the Same	93	85.3%

PART B: Juror Evaluation of Dennis M. Martin: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	85.7% 6	14.3% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	85.7% 6	14.3% 1	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	85.7% 6	14.3% 1	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 6	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	85.7% 6	14.3% 1	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	5 83.3%
	Good	1 16.7%
	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 2016 – FY 2022**

The Honorable Dennis M. Martin
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
2016	62	19	0
2017	90	17	0
2018	115	20	0
2019	90	17	0
2020	38	7	0
2021	40	11	0
2022	35	4	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable John Marshall

Judge of the Circuit Court
14th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 147 completed surveys for Judge John Marshall for groups other than jurors, and a total of 9 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge John Marshall: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	59.2% 87	22.5% 33	17.0% 25	1.4% 2	0.0% 0
2. The judge is courteous in the courtroom	64.0% 94	23.1% 34	10.2% 15	2.7% 4	0.0% 0
3. The judge is conscientious in the performance of judicial duties	70.4% 100	16.9% 24	9.9% 14	2.8% 4	0.0% 0
4. The judge is diligent in the performance of judicial duties	70.8% 102	16.7% 24	9.7% 14	2.8% 4	0.0% 0
5. The judge shows respect for all court participants	68.0% 100	15.0% 22	14.3% 21	2.7% 4	0.0% 0
6. The judge requires court participants to display respect toward one another	69.1% 96	24.5% 34	3.6% 5	2.9% 4	0.0% 0
7. The judge is attentive to the proceedings	73.1% 106	19.3% 28	6.9% 10	0.7% 1	0.0% 0
8. The judge exhibits fairness to all parties	64.4% 94	16.4% 24	14.4% 21	4.1% 6	0.7% 1
9. The judge treats all parties in an impartial manner	65.3% 94	15.3% 22	13.9% 20	4.2% 6	1.4% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	76.9% 83	14.8% 16	4.6% 5	3.7% 4	0.0% 0
11. The judge maintains order in the courtroom	77.9% 113	20.0% 29	1.4% 2	0.7% 1	0.0% 0
12. The judge expects professional behavior of court participants	78.9% 112	18.3% 26	1.4% 2	1.4% 2	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	63.0% 87	21.0% 29	10.9% 15	4.4% 6	0.7% 1
14. The judge displays knowledge of the law	59.4% 82	25.4% 35	9.4% 13	5.8% 8	0.0% 0
15. The judge is faithful to the law	58.7% 81	26.1% 36	9.4% 13	5.8% 8	0.0% 0
16. The judge communicates effectively	63.2% 91	25.7% 37	9.7% 14	1.4% 2	0.0% 0
17. The judge is prompt in rendering decisions	72.6% 106	22.6% 33	3.4% 5	1.4% 2	0.0% 0
18. The judge's decisions are clear	64.4% 94	25.3% 37	8.9% 13	1.4% 2	0.0% 0
19. The judge performs judicial duties without bias or prejudice	65.7% 94	18.2% 26	9.1% 13	4.9% 7	2.1% 3
20. The judge convenes court without undue delay	74.3% 107	21.5% 31	3.5% 5	0.7% 1	0.0% 0
21. The judge uses courtroom time efficiently	71.7% 104	26.2% 38	2.1% 3	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of John Marshall: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	85	59.4%
	Good	35	24.5%
	Needs Improvement	18	12.6%
	Unsatisfactory	5	3.5%
In general, over the last three years, has the judge's overall court-related performance become...	Better	14	12.1%
	Worse	5	4.3%
	Stayed the Same	97	83.6%

PART B: Juror Evaluation of John Marshall: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	77.8% 7	22.2% 2	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	77.8% 7	22.2% 2	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	88.9% 8	11.1% 1	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	77.8% 7	22.2% 2	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	88.9% 8	11.1% 1	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	100.0% 9	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	88.9% 8	11.1% 1	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	77.8% 7	22.2% 2	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 9	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 7	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	75.0% 6	25.0% 2	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	9 100.0%
	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 2016 – FY 2022

The Honorable John Marshall
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
2016	190	32	0
2017	179	42	0
2018	184	49	0
2019	224	60	0
2020	206	47	0
2021	151	42	0
2022	167	41	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Gordon F. Willis

Judge of the Circuit Court
15th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 149 completed surveys for Judge Gordon F. Willis for groups other than jurors, and a total of 25 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Gordon F. Willis: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	53.4% 78	30.1% 44	13.7% 20	2.7% 4	0.0% 0
2. The judge is courteous in the courtroom	61.2% 90	25.9% 38	10.2% 15	2.7% 4	0.0% 0
3. The judge is conscientious in the performance of judicial duties	73.0% 108	18.2% 27	7.4% 11	1.4% 2	0.0% 0
4. The judge is diligent in the performance of judicial duties	74.5% 108	18.6% 27	6.2% 9	0.7% 1	0.0% 0
5. The judge shows respect for all court participants	61.5% 91	20.3% 30	14.2% 21	3.4% 5	0.7% 1
6. The judge requires court participants to display respect toward one another	76.8% 109	16.2% 23	6.3% 9	0.7% 1	0.0% 0
7. The judge is attentive to the proceedings	81.8% 121	12.2% 18	4.7% 7	1.4% 2	0.0% 0
8. The judge exhibits fairness to all parties	65.3% 96	19.7% 29	9.5% 14	4.1% 6	1.4% 2
9. The judge treats all parties in an impartial manner	66.9% 99	16.2% 24	10.8% 16	4.7% 7	1.4% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	88.1% 96	10.1% 11	0.9% 1	0.0% 0	0.9% 1
11. The judge maintains order in the courtroom	86.9% 126	11.0% 16	0.7% 1	0.7% 1	0.7% 1
12. The judge expects professional behavior of court participants	85.6% 125	11.0% 16	2.7% 4	0.7% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	55.6% 75	23.7% 32	13.3% 18	5.9% 8	1.5% 2
14. The judge displays knowledge of the law	64.7% 88	24.3% 33	8.8% 12	1.5% 2	0.7% 1
15. The judge is faithful to the law	67.9% 91	20.2% 27	8.2% 11	3.0% 4	0.8% 1
16. The judge communicates effectively	68.0% 100	25.2% 37	4.8% 7	2.0% 3	0.0% 0
17. The judge is prompt in rendering decisions	79.2% 114	19.4% 28	0.7% 1	0.7% 1	0.0% 0
18. The judge's decisions are clear	74.7% 109	19.9% 29	4.1% 6	0.7% 1	0.7% 1
19. The judge performs judicial duties without bias or prejudice	65.5% 95	20.0% 29	8.3% 12	4.8% 7	1.4% 2
20. The judge convenes court without undue delay	84.1% 122	13.1% 19	1.4% 2	0.7% 1	0.7% 1
21. The judge uses courtroom time efficiently	77.4% 113	17.8% 26	2.7% 4	1.4% 2	0.7% 1

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Gordon F. Willis: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	93	62.4%
	Good	36	24.2%
	Needs Improvement	15	10.1%
	Unsatisfactory	5	3.4%
In general, over the last three years, has the judge's overall court-related performance become...	Better	15	12.7%
	Worse	5	4.2%
	Stayed the Same	98	83.1%

PART B: Juror Evaluation of Gordon F. Willis: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	88.0% 22	12.0% 3	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 25	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 25	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	95.8% 23	0.0% 0	4.2% 1	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 25	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 25	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 25	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 25	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 25	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 25	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	88.0% 22	4.0% 1	4.0% 1	4.0% 1	0.0% 0
12. The judge uses courtroom time efficiently	96.0% 24	4.0% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	25 100.0%
	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 2016 – FY 2022**

The Honorable Gordon F. 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
2016	271	55	0
2017	189	36	0
2018	179	41	0
2019	161	27	0
2020	180	33	0
2021	170	37	0
2022	184	35	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Cheryl V. Higgins

Judge of the Circuit Court
16th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 157 completed surveys for Judge Cheryl V. Higgins. No surveys were completed by jurors.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Cheryl V. Higgins: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	76.3% 119	21.2% 33	2.6% 4	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	85.9% 134	12.2% 19	1.9% 3	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	89.0% 138	9.0% 14	1.9% 3	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	89.1% 139	7.7% 12	3.2% 5	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	85.9% 134	10.9% 17	2.6% 4	0.6% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	82.9% 121	14.4% 21	2.7% 4	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	91.7% 144	6.4% 10	1.3% 2	0.6% 1	0.0% 0
8. The judge exhibits fairness to all parties	74.4% 116	18.6% 29	7.1% 11	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	76.6% 118	18.2% 28	4.6% 7	0.7% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	93.7% 119	5.5% 7	0.8% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	93.0% 145	6.4% 10	0.6% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	90.3% 140	8.4% 13	1.3% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	76.8% 116	17.9% 27	4.0% 6	1.3% 2	0.0% 0
14. The judge displays knowledge of the law	71.5% 108	19.2% 29	8.6% 13	0.7% 1	0.0% 0
15. The judge is faithful to the law	73.7% 109	18.2% 27	6.8% 10	1.4% 2	0.0% 0
16. The judge communicates effectively	80.9% 127	14.0% 22	4.5% 7	0.6% 1	0.0% 0
17. The judge is prompt in rendering decisions	71.9% 110	21.6% 33	5.9% 9	0.7% 1	0.0% 0
18. The judge's decisions are clear	76.5% 117	15.7% 24	6.5% 10	0.7% 1	0.7% 1
19. The judge performs judicial duties without bias or prejudice	78.2% 118	16.6% 25	4.6% 7	0.7% 1	0.0% 0
20. The judge convenes court without undue delay	85.6% 131	13.1% 20	0.7% 1	0.7% 1	0.0% 0
21. The judge uses courtroom time efficiently	77.8% 119	19.0% 29	2.6% 4	0.7% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Cheryl V. Higgins: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	116	75.3%
	Good	30	19.5%
	Needs Improvement	6	3.9%
	Unsatisfactory	2	1.3%
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 B: Juror Evaluation of Cheryl V. Higgins: Evaluation Summary

No surveys were received from jurors for Judge Higgins.



Virginia Criminal Sentencing Commission

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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2016 – FY 2022**

The Honorable Cheryl V. Higgins
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
2016	168	17	0
2017	138	12	0
2018	92	14	0
2019	69	9	0
2020	71	9	0
2021	54	11	0
2022	32	4	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Penney S. Azcarate

Judge of the Circuit Court
19th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 125 completed surveys for Judge Penney S. Azcarate for groups other than jurors, and a total of 16 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Penney S. Azcarate: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	72.8% 91	19.2% 24	7.2% 9	0.8% 1	0.0% 0
2. The judge is courteous in the courtroom	79.0% 98	18.6% 23	1.6% 2	0.0% 0	0.8% 1
3. The judge is conscientious in the performance of judicial duties	87.0% 107	10.6% 13	1.6% 2	0.0% 0	0.8% 1
4. The judge is diligent in the performance of judicial duties	89.3% 108	8.3% 10	2.5% 3	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	79.7% 98	15.5% 19	4.1% 5	0.0% 0	0.8% 1
6. The judge requires court participants to display respect toward one another	85.5% 100	12.8% 15	0.9% 1	0.0% 0	0.9% 1
7. The judge is attentive to the proceedings	91.2% 114	8.0% 10	0.0% 0	0.8% 1	0.0% 0
8. The judge exhibits fairness to all parties	80.8% 101	15.2% 19	3.2% 4	0.0% 0	0.8% 1
9. The judge treats all parties in an impartial manner	83.1% 103	12.1% 15	4.0% 5	0.0% 0	0.8% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	94.5% 86	5.5% 5	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	91.1% 112	8.9% 11	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	90.2% 110	9.8% 12	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	75.4% 89	19.5% 23	5.1% 6	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	78.2% 93	16.0% 19	5.9% 7	0.0% 0	0.0% 0
15. The judge is faithful to the law	82.1% 96	13.7% 16	3.4% 4	0.9% 1	0.0% 0
16. The judge communicates effectively	84.8% 106	13.6% 17	0.8% 1	0.0% 0	0.8% 1
17. The judge is prompt in rendering decisions	89.3% 109	10.7% 13	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	86.3% 107	11.3% 14	1.6% 2	0.0% 0	0.8% 1
19. The judge performs judicial duties without bias or prejudice	84.3% 102	11.6% 14	3.3% 4	0.0% 0	0.8% 1
20. The judge convenes court without undue delay	88.0% 110	11.2% 14	0.8% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	89.6% 112	9.6% 12	0.8% 1	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Penney S. Azcarate: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	98	79.0%
	Good	22	17.7%
	Needs Improvement	3	2.4%
	Unsatisfactory	1	0.8%
In general, over the last three years, has the judge's overall court-related performance become...	Better	16	16.8%
	Worse	1	1.1%
	Stayed the Same	78	82.1%

PART B: Juror Evaluation of Penney S. Azcarate: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 14	0.0% 0	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	100.0% 15	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 16	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	93.8% 15	6.3% 1	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	100.0% 14	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 16	0.0% 0	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	87.5% 14	12.5% 2	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	93.8% 15	6.3% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	16 100.0%
	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 2016 – FY 2022**

The Honorable Penney S. Azcarate
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
2016	71	16	0
2017	88	15	0
2018	97	21	0
2019	97	16	0
2020	34	10	0
2021	25	8	0
2022	28	7	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Stephen C. Shannon

Judge of the Circuit Court
19th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 132 completed surveys for Judge Stephen C. Shannon for groups other than jurors, and a total of 17 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Stephen C. Shannon: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	77.1% 101	14.5% 19	6.9% 9	1.5% 2	0.0% 0
2. The judge is courteous in the courtroom	84.0% 110	9.9% 13	5.3% 7	0.8% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	82.3% 107	10.8% 14	5.4% 7	1.5% 2	0.0% 0
4. The judge is diligent in the performance of judicial duties	82.8% 106	10.2% 13	5.5% 7	1.6% 2	0.0% 0
5. The judge shows respect for all court participants	83.2% 109	10.7% 14	4.6% 6	1.5% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	89.8% 106	8.5% 10	1.7% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	84.9% 112	7.6% 10	6.8% 9	0.8% 1	0.0% 0
8. The judge exhibits fairness to all parties	79.6% 105	11.4% 15	6.8% 9	2.3% 3	0.0% 0
9. The judge treats all parties in an impartial manner	80.3% 106	13.6% 18	3.8% 5	2.3% 3	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	90.7% 78	5.8% 5	2.3% 2	1.2% 1	0.0% 0
11. The judge maintains order in the courtroom	86.5% 109	11.9% 15	1.6% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	91.2% 114	7.2% 9	1.6% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	75.4% 86	18.4% 21	4.4% 5	1.8% 2	0.0% 0
14. The judge displays knowledge of the law	66.7% 80	19.2% 23	12.5% 15	1.7% 2	0.0% 0
15. The judge is faithful to the law	71.4% 85	15.1% 18	11.8% 14	1.7% 2	0.0% 0
16. The judge communicates effectively	77.9% 102	15.3% 20	4.6% 6	2.3% 3	0.0% 0
17. The judge is prompt in rendering decisions	81.6% 102	15.2% 19	2.4% 3	0.8% 1	0.0% 0
18. The judge's decisions are clear	75.8% 100	15.2% 20	5.3% 7	3.8% 5	0.0% 0
19. The judge performs judicial duties without bias or prejudice	85.6% 107	7.2% 9	6.4% 8	0.8% 1	0.0% 0
20. The judge convenes court without undue delay	86.3% 107	11.3% 14	2.4% 3	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	85.3% 110	8.5% 11	5.4% 7	0.8% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Stephen C. Shannon: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	99	75.6%
	Good	18	13.7%
	Needs Improvement	12	9.2%
	Unsatisfactory	2	1.5%
In general, over the last three years, has the judge's overall court-related performance become...	Better	15	14.6%
	Worse	3	2.9%
	Stayed the Same	85	82.5%

PART B: Juror Evaluation of Stephen C. Shannon: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	94.1% 16	5.9% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 17	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 17	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	100.0% 17	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 17	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 17	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	88.2% 15	11.8% 2	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	94.1% 16	5.9% 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	100.0% 16	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	94.1% 16	5.9% 1	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 2016 – FY 2022**

The Honorable Stephen C. Shannon
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
2016	68	12	0
2017	54	6	0
2018	59	11	0
2019	59	12	0
2020	33	6	0
2021	22	2	0
2022	25	4	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Douglas L. Fleming, Jr.

Judge of the Circuit Court
20th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 157 completed surveys for Judge Douglas L. Fleming, Jr. for groups other than jurors, and a total of 19 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Douglas L. Fleming, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	70.7% 111	24.8% 39	4.5% 7	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	83.9% 130	14.2% 22	1.9% 3	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	81.2% 125	16.9% 26	2.0% 3	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	79.9% 123	16.9% 26	3.3% 5	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	80.8% 126	16.0% 25	2.6% 4	0.6% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	79.3% 119	18.0% 27	2.0% 3	0.7% 1	0.0% 0
7. The judge is attentive to the proceedings	85.4% 134	13.4% 21	1.3% 2	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	74.4% 116	17.3% 27	7.7% 12	0.6% 1	0.0% 0
9. The judge treats all parties in an impartial manner	78.7% 122	12.9% 20	7.1% 11	1.3% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	91.8% 101	6.4% 7	0.9% 1	0.0% 0	0.9% 1
11. The judge maintains order in the courtroom	83.8% 129	13.0% 20	3.3% 5	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	85.1% 131	13.0% 20	2.0% 3	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	71.5% 98	21.2% 29	6.6% 9	0.0% 0	0.7% 1
14. The judge displays knowledge of the law	72.5% 100	18.8% 26	5.1% 7	3.6% 5	0.0% 0
15. The judge is faithful to the law	72.1% 98	17.7% 24	7.4% 10	2.9% 4	0.0% 0
16. The judge communicates effectively	75.0% 117	18.6% 29	4.5% 7	1.9% 3	0.0% 0
17. The judge is prompt in rendering decisions	73.7% 112	21.7% 33	4.0% 6	0.7% 1	0.0% 0
18. The judge's decisions are clear	74.2% 112	19.2% 29	5.3% 8	1.3% 2	0.0% 0
19. The judge performs judicial duties without bias or prejudice	76.2% 112	15.7% 23	7.5% 11	0.0% 0	0.7% 1
20. The judge convenes court without undue delay	71.4% 110	24.0% 37	3.3% 5	0.7% 1	0.7% 1
21. The judge uses courtroom time efficiently	69.7% 108	21.3% 33	5.8% 9	2.6% 4	0.7% 1

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Douglas L. Fleming, Jr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	115	74.7%
	Good	24	15.6%
	Needs Improvement	14	9.1%
	Unsatisfactory	1	0.7%
In general, over the last three years, has the judge's overall court-related performance become...	Better	18	14.8%
	Worse	3	2.5%
	Stayed the Same	101	82.8%

PART B: Juror Evaluation of Douglas L. Fleming, Jr.: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	89.5% 17	10.5% 2	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	94.7% 18	5.3% 1	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	94.1% 16	5.9% 1	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	94.7% 18	5.3% 1	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	94.7% 18	5.3% 1	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	94.1% 16	5.9% 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	94.7% 18	5.3% 1	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	89.5% 17	0.0% 0	10.5% 2	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	94.7% 18	0.0% 0	5.3% 1	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	18 94.7%
	Good	1 5.3%
	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 2016 – FY 2022

The Honorable Douglas L. Fleming, Jr.
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
2016	50	5	0
2017	92	16	0
2018	56	12	0
2019	79	11	0
2020	57	6	0
2021	44	6	0
2022	36	5	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Michael T. Garrett

Judge of the Circuit Court
24th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 Michael T. Garrett for groups other than jurors, and a total of 23 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Michael T. Garrett: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	72.4% 76	21.9% 23	4.8% 5	1.0% 1	0.0% 0
2. The judge is courteous in the courtroom	79.8% 83	13.5% 14	5.8% 6	1.0% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	78.1% 82	17.1% 18	2.9% 3	1.9% 2	0.0% 0
4. The judge is diligent in the performance of judicial duties	74.8% 77	19.4% 20	2.9% 3	1.9% 2	1.0% 1
5. The judge shows respect for all court participants	81.9% 86	13.3% 14	3.8% 4	1.0% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	78.4% 80	20.6% 21	0.0% 0	1.0% 1	0.0% 0
7. The judge is attentive to the proceedings	84.9% 90	12.3% 13	1.9% 2	0.9% 1	0.0% 0
8. The judge exhibits fairness to all parties	83.0% 88	11.3% 12	4.7% 5	0.9% 1	0.0% 0
9. The judge treats all parties in an impartial manner	84.0% 89	9.4% 10	5.7% 6	0.9% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	83.9% 73	13.8% 12	1.2% 1	1.2% 1	0.0% 0
11. The judge maintains order in the courtroom	89.4% 93	10.6% 11	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	87.6% 92	11.4% 12	1.0% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	76.0% 73	18.8% 18	4.2% 4	1.0% 1	0.0% 0
14. The judge displays knowledge of the law	76.5% 75	19.4% 19	1.0% 1	3.1% 3	0.0% 0
15. The judge is faithful to the law	77.6% 76	16.3% 16	3.1% 3	3.1% 3	0.0% 0
16. The judge communicates effectively	75.2% 79	20.0% 21	2.9% 3	1.0% 1	1.0% 1
17. The judge is prompt in rendering decisions	61.0% 64	21.0% 22	15.2% 16	1.9% 2	1.0% 1
18. The judge's decisions are clear	72.6% 77	21.7% 23	5.7% 6	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	84.9% 90	9.4% 10	4.7% 5	0.9% 1	0.0% 0
20. The judge convenes court without undue delay	57.1% 60	28.6% 30	10.5% 11	3.8% 4	0.0% 0
21. The judge uses courtroom time efficiently	67.6% 71	24.8% 26	6.7% 7	1.0% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Michael T. Garrett: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	76	73.8%
	Good	20	19.4%
	Needs Improvement	6	5.8%
	Unsatisfactory	1	1.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	12	13.2%
	Worse	1	1.1%
	Stayed the Same	78	85.7%

PART B: Juror Evaluation of Michael T. Garrett: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	81.8% 18	18.2% 4	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	91.3% 21	8.7% 2	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	91.3% 21	8.7% 2	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	87.0% 20	13.0% 3	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	95.7% 22	4.4% 1	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	91.3% 21	8.7% 2	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	95.5% 21	4.6% 1	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	95.7% 22	4.4% 1	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	91.3% 21	8.7% 2	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	95.5% 21	4.6% 1	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	77.3% 17	22.7% 5	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	95.7% 22	4.4% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	22 95.7%
	Good	1 4.4%
	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 2016 – FY 2022**

The Honorable Michael T. Garrett
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
2016	151	19	2
2017	162	20	0
2018	258	23	0
2019	243	45	0
2020	160	38	0
2021	138	34	0
2022	87	12	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Alexander R. Iden

Judge of the Circuit Court
26th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 Alexander R. Iden for groups other than jurors, and a total of 32 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Alexander R. Iden: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	81.4% 105	16.3% 21	2.3% 3	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	90.7% 117	8.5% 11	0.8% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	87.5% 112	7.8% 10	3.9% 5	0.8% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	87.5% 112	8.6% 11	2.3% 3	1.6% 2	0.0% 0
5. The judge shows respect for all court participants	89.1% 114	9.4% 12	0.8% 1	0.8% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	78.6% 99	15.1% 19	4.8% 6	1.6% 2	0.0% 0
7. The judge is attentive to the proceedings	89.9% 116	9.3% 12	0.0% 0	0.8% 1	0.0% 0
8. The judge exhibits fairness to all parties	77.3% 99	16.4% 21	3.9% 5	2.3% 3	0.0% 0
9. The judge treats all parties in an impartial manner	78.1% 100	13.3% 17	6.3% 8	2.3% 3	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	90.8% 89	9.2% 9	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	85.3% 110	14.0% 18	0.8% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	79.1% 102	17.1% 22	3.1% 4	0.8% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	82.7% 91	12.7% 14	3.6% 4	0.9% 1	0.0% 0
14. The judge displays knowledge of the law	73.2% 82	22.3% 25	1.8% 2	2.7% 3	0.0% 0
15. The judge is faithful to the law	76.8% 86	16.1% 18	6.3% 7	0.9% 1	0.0% 0
16. The judge communicates effectively	83.0% 107	17.1% 22	0.0% 0	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	81.8% 103	16.7% 21	0.8% 1	0.0% 0	0.8% 1
18. The judge's decisions are clear	77.0% 97	20.6% 26	2.4% 3	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	81.9% 104	9.5% 12	7.1% 9	1.6% 2	0.0% 0
20. The judge convenes court without undue delay	80.5% 103	17.2% 22	2.3% 3	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	77.5% 100	20.2% 26	1.6% 2	0.8% 1	0.0% 0

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Alexander R. Iden: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	98	78.4%
	Good	23	18.4%
	Needs Improvement	3	2.4%
	Unsatisfactory	1	0.8%
In general, over the last three years, has the judge's overall court-related performance become...	Better	23	22.6%
	Worse	0	0.0%
	Stayed the Same	79	77.5%

PART B: Juror Evaluation of Alexander R. Iden: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	96.8% 30	3.2% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 32	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	96.9% 31	0.0% 0	0.0% 0	3.1% 1	0.0% 0
4. The judge requires court participants to display respect toward one another	96.7% 29	3.3% 1	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	96.9% 31	3.1% 1	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 31	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 32	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 31	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	96.9% 31	3.1% 1	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 32	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	83.9% 26	9.7% 3	3.2% 1	0.0% 0	3.2% 1
12. The judge uses courtroom time efficiently	83.9% 26	9.7% 3	3.2% 1	0.0% 0	3.2% 1

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	30 93.8%
	Good	1 3.1%
	Needs Improvement	1 3.1%
	Unsatisfactory	0 0.0%



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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2016 – FY 2022**

The Honorable Alexander R. Iden
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
2016	137	17	0
2017	133	12	0
2018	164	18	0
2019	204	22	0
2020	205	19	0
2021	190	19	0
2022	184	25	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Hugh Lee Harrell

Judge of the Circuit Court
27th Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 135 completed surveys for Judge Hugh Lee Harrell. No surveys were completed by jurors.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Hugh Lee Harrell: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	91.0% 122	8.2% 11	0.8% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	95.5% 128	4.5% 6	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	97.0% 130	2.2% 3	0.8% 1	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	97.8% 132	2.2% 3	0.0% 0	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	96.3% 130	3.0% 4	0.7% 1	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	93.0% 120	6.2% 8	0.8% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	97.0% 131	2.2% 3	0.7% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	91.9% 124	6.7% 9	0.7% 1	0.7% 1	0.0% 0
9. The judge treats all parties in an impartial manner	92.6% 125	5.2% 7	1.5% 2	0.7% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	92.6% 100	6.5% 7	0.0% 0	0.9% 1	0.0% 0
11. The judge maintains order in the courtroom	93.3% 126	5.2% 7	1.5% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	94.0% 126	5.2% 7	0.8% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	94.9% 112	4.2% 5	0.9% 1	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	93.3% 111	5.0% 6	0.8% 1	0.8% 1	0.0% 0
15. The judge is faithful to the law	89.8% 106	7.6% 9	1.7% 2	0.9% 1	0.0% 0
16. The judge communicates effectively	94.8% 128	5.2% 7	0.0% 0	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	92.5% 124	7.5% 10	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	91.8% 123	6.0% 8	1.5% 2	0.8% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	92.5% 124	6.7% 9	0.8% 1	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	92.5% 123	7.5% 10	0.0% 0	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	93.3% 125	6.7% 9	0.0% 0	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Hugh Lee Harrell: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	129	95.6%
	Good	3	2.2%
	Needs Improvement	3	2.2%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	26	21.1%
	Worse	0	0.0%
	Stayed the Same	97	78.9%

PART B: Juror Evaluation of Hugh Lee Harrell: Evaluation Summary

No surveys were received from jurors for Judge Harrell.



Virginia Criminal Sentencing Commission

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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2016 – FY 2022**

The Honorable Hugh Lee Harrell
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
2016	181	22	0
2017	211	16	0
2018	261	25	0
2019	207	30	0
2020	237	26	0
2021	252	33	0
2022	258	49	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Kimberly A. Irving

Judge of the Circuit Court
31st Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 147 completed surveys for Judge Kimberly A. Irving for groups other than jurors, and a total of 10 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Kimberly A. Irving: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	66.0% 97	22.5% 33	8.2% 12	2.7% 4	0.7% 1
2. The judge is courteous in the courtroom	76.2% 112	12.9% 19	8.8% 13	2.0% 3	0.0% 0
3. The judge is conscientious in the performance of judicial duties	80.8% 118	13.7% 20	4.8% 7	0.7% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	81.1% 116	15.4% 22	2.8% 4	0.7% 1	0.0% 0
5. The judge shows respect for all court participants	78.1% 114	8.2% 12	9.6% 14	4.1% 6	0.0% 0
6. The judge requires court participants to display respect toward one another	80.0% 112	11.4% 16	5.7% 8	2.9% 4	0.0% 0
7. The judge is attentive to the proceedings	82.3% 121	15.0% 22	2.7% 4	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	74.8% 110	13.6% 20	7.5% 11	4.1% 6	0.0% 0
9. The judge treats all parties in an impartial manner	78.1% 114	10.3% 15	6.9% 10	4.8% 7	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	84.5% 87	10.7% 11	3.9% 4	1.0% 1	0.0% 0
11. The judge maintains order in the courtroom	87.7% 128	10.3% 15	2.1% 3	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	85.2% 121	10.6% 15	3.5% 5	0.7% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	71.3% 87	17.2% 21	9.0% 11	1.6% 2	0.8% 1
14. The judge displays knowledge of the law	73.0% 92	19.1% 24	5.6% 7	2.4% 3	0.0% 0
15. The judge is faithful to the law	75.0% 93	13.7% 17	9.7% 12	1.6% 2	0.0% 0
16. The judge communicates effectively	78.2% 115	14.3% 21	6.8% 10	0.7% 1	0.0% 0
17. The judge is prompt in rendering decisions	81.6% 115	14.2% 20	4.3% 6	0.0% 0	0.0% 0
18. The judge's decisions are clear	78.5% 113	17.4% 25	2.8% 4	1.4% 2	0.0% 0
19. The judge performs judicial duties without bias or prejudice	82.6% 119	9.0% 13	4.9% 7	2.8% 4	0.7% 1
20. The judge convenes court without undue delay	80.6% 116	16.7% 24	2.8% 4	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	80.3% 118	14.3% 21	4.8% 7	0.0% 0	0.7% 1

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Kimberly A. Irving: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	105	72.4%
	Good	22	15.2%
	Needs Improvement	18	12.4%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	18	17.1%
	Worse	4	3.8%
	Stayed the Same	83	79.1%

PART B: Juror Evaluation of Kimberly A. Irving: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 10	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 10	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 10	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	90.0% 9	0.0% 0	10.0% 1	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 10	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	90.0% 9	10.0% 1	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	90.0% 9	10.0% 1	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	100.0% 10	0.0% 0	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	90.0% 9	10.0% 1	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 10	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	10 100.0%
	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 2016 – FY 2022**

The Honorable Kimberly A. Irving
31st 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
2016	74	3	0
2017	133	15	0
2018	98	10	0
2019	156	18	0
2020	56	9	0
2021	41	6	0
2022	32	7	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Tracy Calvin Hudson

Judge of the Circuit Court
31st Judicial Circuit

Submitted to:

The Co-Chairs 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

2022



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 between December 27, 2021, and June 29, 2022, 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. Although the number of juror surveys was potentially affected for circuit court judges in 2022 as a result of the COVID-19 pandemic, 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 142 completed surveys for Judge Tracy Calvin Hudson for groups other than jurors, and a total of 2 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Tracy Calvin Hudson: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	73.8% 104	22.0% 31	4.3% 6	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	81.7% 116	13.4% 19	4.9% 7	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	85.1% 120	11.4% 16	3.6% 5	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	85.1% 120	10.6% 15	4.3% 6	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	82.3% 116	11.4% 16	5.7% 8	0.7% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	79.1% 110	15.8% 22	3.6% 5	0.7% 1	0.7% 1
7. The judge is attentive to the proceedings	82.4% 117	15.5% 22	2.1% 3	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	77.3% 109	12.8% 18	7.8% 11	2.1% 3	0.0% 0
9. The judge treats all parties in an impartial manner	80.0% 112	11.4% 16	6.4% 9	2.1% 3	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	89.2% 91	8.8% 9	2.0% 2	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	84.5% 120	13.4% 19	1.4% 2	0.7% 1	0.0% 0
12. The judge expects professional behavior of court participants	82.9% 116	13.6% 19	2.9% 4	0.0% 0	0.7% 1
13. The judge allows lawyers appropriate latitude in presentation of their case	67.2% 84	24.0% 30	6.4% 8	1.6% 2	0.8% 1
14. The judge displays knowledge of the law	73.2% 93	18.9% 24	7.1% 9	0.8% 1	0.0% 0
15. The judge is faithful to the law	72.4% 92	19.7% 25	7.9% 10	0.0% 0	0.0% 0
16. The judge communicates effectively	80.3% 114	14.1% 20	5.6% 8	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	86.9% 119	11.7% 16	1.5% 2	0.0% 0	0.0% 0
18. The judge's decisions are clear	81.6% 115	14.2% 20	3.6% 5	0.7% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	82.4% 112	10.3% 14	5.9% 8	1.5% 2	0.0% 0
20. The judge convenes court without undue delay	79.9% 111	18.0% 25	2.2% 3	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	76.6% 105	20.4% 28	2.9% 4	0.0% 0	0.0% 0

**Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Tracy Calvin Hudson: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	109	77.9%
	Good	23	16.4%
	Needs Improvement	5	3.6%
	Unsatisfactory	3	2.1%
In general, over the last three years, has the judge's overall court-related performance become...	Better	10	8.7%
	Worse	5	4.4%
	Stayed the Same	100	87.0%

PART B: Juror Evaluation of Tracy Calvin Hudson: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 2	0.0% 0	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% 2	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	100.0% 2	0.0% 0	0.0% 0	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% 2	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge convenes court without undue delay	100.0% 2	0.0% 0	0.0% 0	0.0% 0	0.0% 0
12. The judge uses courtroom time efficiently	100.0% 2	0.0% 0	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%



Virginia Criminal Sentencing Commission

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ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2016 – FY 2022**

The Honorable Tracy Calvin Hudson
31st 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
2016	139	19	0
2017	114	13	0
2018	114	19	0
2019	142	17	0
2020	90	13	0
2021	54	11	0
2022	42	12	0

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Alfred W. Bates, III

Judge of the General District Court
5th Judicial District

Submitted to:

The Co-Chairs 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

2022



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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 102 completed surveys for Judge Alfred W. Bates, III.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Alfred W. Bates, III: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	73.5% 75	17.7% 18	6.9% 7	2.0% 2	0.0% 0
2. The judge is courteous in the courtroom	81.4% 83	8.8% 9	7.8% 8	2.0% 2	0.0% 0
3. The judge is conscientious in the performance of judicial duties	86.3% 88	8.8% 9	4.9% 5	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	86.3% 88	8.8% 9	4.9% 5	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	84.3% 86	3.9% 4	8.8% 9	2.9% 3	0.0% 0
6. The judge requires court participants to display respect toward one another	88.1% 89	8.9% 9	3.0% 3	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	90.2% 92	7.8% 8	2.0% 2	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	80.2% 81	10.9% 11	6.9% 7	2.0% 2	0.0% 0
9. The judge treats all parties in an impartial manner	81.2% 82	10.9% 11	5.0% 5	3.0% 3	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	93.9% 77	3.7% 3	1.2% 1	1.2% 1	0.0% 0
11. The judge maintains order in the courtroom	92.0% 92	7.0% 7	1.0% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	94.1% 95	5.9% 6	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	81.9% 77	8.5% 8	7.5% 7	2.1% 2	0.0% 0
14. The judge displays knowledge of the law	78.7% 74	13.8% 13	7.5% 7	0.0% 0	0.0% 0
15. The judge is faithful to the law	77.9% 74	16.8% 16	5.3% 5	0.0% 0	0.0% 0
16. The judge communicates effectively	87.3% 89	7.8% 8	3.9% 4	1.0% 1	0.0% 0
17. The judge is prompt in rendering decisions	89.2% 91	9.8% 10	1.0% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	86.3% 88	10.8% 11	2.9% 3	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	86.1% 87	7.9% 8	4.0% 4	2.0% 2	0.0% 0
20. The judge convenes court without undue delay	89.1% 90	9.9% 10	1.0% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	84.2% 85	13.9% 14	2.0% 2	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Alfred W. Bates, III: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	78	76.5%
	Good	15	14.7%
	Needs Improvement	7	6.9%
	Unsatisfactory	2	2.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	6	6.3%
	Worse	3	3.2%
	Stayed the Same	86	90.5%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Corry N. Smith

Judge of the General District Court
8th Judicial District

Submitted to:

The Co-Chairs 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

2022



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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 132 completed surveys for Judge Corry N. Smith.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Corry N. Smith: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	89.4% 118	7.6% 10	3.0% 4	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	91.6% 120	7.6% 10	0.8% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	89.2% 116	7.7% 10	3.1% 4	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	88.5% 115	9.2% 12	2.3% 3	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	93.2% 123	3.8% 5	3.0% 4	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	92.3% 119	7.8% 10	0.0% 0	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	91.7% 121	7.6% 10	0.8% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	85.6% 113	9.1% 12	4.6% 6	0.8% 1	0.0% 0
9. The judge treats all parties in an impartial manner	85.4% 111	9.2% 12	4.6% 6	0.8% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	94.2% 97	4.9% 5	1.0% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	93.9% 123	5.3% 7	0.8% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	95.4% 124	4.6% 6	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	84.6% 104	13.0% 16	2.4% 3	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	84.4% 103	11.5% 14	2.5% 3	1.6% 2	0.0% 0
15. The judge is faithful to the law	82.9% 102	11.4% 14	4.1% 5	1.6% 2	0.0% 0
16. The judge communicates effectively	88.6% 117	6.8% 9	3.0% 4	1.5% 2	0.0% 0
17. The judge is prompt in rendering decisions	93.9% 124	6.1% 8	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	90.0% 117	6.2% 8	3.1% 4	0.8% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	87.7% 114	6.2% 8	5.4% 7	0.8% 1	0.0% 0
20. The judge convenes court without undue delay	92.2% 118	7.8% 10	0.0% 0	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	93.9% 122	6.2% 8	0.0% 0	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Corry N. Smith: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	114	87.0%
	Good	13	9.9%
	Needs Improvement	4	3.1%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	14	11.8%
	Worse	1	0.8%
	Stayed the Same	104	87.4%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable James J. O'Connell, III

Judge of the General District Court
12th Judicial District

Submitted to:

The Co-Chairs 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

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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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 156 completed surveys for Judge James J. O'Connell, III.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge James J. O'Connell, III: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	45.2% 70	27.1% 42	20.0% 31	6.5% 10	1.3% 2
2. The judge is courteous in the courtroom	53.9% 83	26.6% 41	14.3% 22	3.3% 5	2.0% 3
3. The judge is conscientious in the performance of judicial duties	64.3% 99	18.2% 28	13.0% 20	2.6% 4	2.0% 3
4. The judge is diligent in the performance of judicial duties	65.6% 101	20.8% 32	9.7% 15	2.6% 4	1.3% 2
5. The judge shows respect for all court participants	58.7% 91	18.7% 29	13.6% 21	6.5% 10	2.6% 4
6. The judge requires court participants to display respect toward one another	65.6% 99	24.5% 37	8.0% 12	1.3% 2	0.7% 1
7. The judge is attentive to the proceedings	71.6% 111	18.1% 28	7.7% 12	1.9% 3	0.7% 1
8. The judge exhibits fairness to all parties	55.8% 86	20.8% 32	13.0% 20	7.1% 11	3.3% 5
9. The judge treats all parties in an impartial manner	58.8% 90	17.7% 27	12.4% 19	7.2% 11	3.9% 6
10. The judge avoids inappropriate <i>ex parte</i> communications	78.8% 93	17.0% 20	3.4% 4	0.9% 1	0.0% 0
11. The judge maintains order in the courtroom	78.1% 121	18.7% 29	2.6% 4	0.0% 0	0.7% 1
12. The judge expects professional behavior of court participants	77.1% 118	16.3% 25	4.6% 7	1.3% 2	0.7% 1
13. The judge allows lawyers appropriate latitude in presentation of their case	46.2% 66	27.3% 39	14.7% 21	8.4% 12	3.5% 5
14. The judge displays knowledge of the law	58.5% 83	22.5% 32	13.4% 19	4.2% 6	1.4% 2
15. The judge is faithful to the law	59.2% 84	17.6% 25	16.9% 24	4.2% 6	2.1% 3
16. The judge communicates effectively	65.6% 99	19.2% 29	10.6% 16	4.0% 6	0.7% 1
17. The judge is prompt in rendering decisions	73.7% 112	23.7% 36	2.6% 4	0.0% 0	0.0% 0
18. The judge's decisions are clear	73.4% 113	18.8% 29	5.8% 9	1.3% 2	0.7% 1
19. The judge performs judicial duties without bias or prejudice	63.1% 94	16.1% 24	8.7% 13	8.1% 12	4.0% 6
20. The judge convenes court without undue delay	69.7% 106	24.3% 37	5.9% 9	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	67.3% 103	25.5% 39	5.2% 8	1.3% 2	0.7% 1

**Attorney, Bailiff, and Court Reporter
Evaluation of James J. O'Connell, III: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	84	53.9%
	Good	33	21.2%
	Needs Improvement	25	16.0%
	Unsatisfactory	14	9.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	7	4.9%
	Worse	24	16.9%
	Stayed the Same	111	78.2%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Susan J. Stoney

Judge of the General District Court
19th Judicial District

Submitted to:

The Co-Chairs 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

2022



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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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 130 completed surveys for Judge Susan J. Stoney.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Susan J. Stoney: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	83.7% 108	15.5% 20	0.8% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	88.2% 112	11.8% 15	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	86.7% 111	11.7% 15	1.6% 2	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	86.7% 111	10.2% 13	3.1% 4	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	89.2% 115	9.3% 12	1.6% 2	0.0% 0	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	89.1% 114	8.6% 11	2.3% 3	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	77.5% 100	16.3% 21	6.2% 8	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	82.8% 106	11.7% 15	5.5% 7	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	91.2% 83	7.7% 7	1.1% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	88.4% 114	10.9% 14	0.8% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	87.9% 109	11.3% 14	0.8% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	83.6% 102	14.8% 18	1.6% 2	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	66.4% 83	21.6% 27	12.0% 15	0.0% 0	0.0% 0
15. The judge is faithful to the law	71.8% 89	16.1% 20	12.1% 15	0.0% 0	0.0% 0
16. The judge communicates effectively	81.5% 106	16.2% 21	1.5% 2	0.8% 1	0.0% 0
17. The judge is prompt in rendering decisions	88.2% 112	11.0% 14	0.8% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	83.5% 106	14.2% 18	1.6% 2	0.8% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	86.5% 109	8.7% 11	3.2% 4	1.6% 2	0.0% 0
20. The judge convenes court without undue delay	84.9% 107	13.5% 17	1.6% 2	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	82.0% 105	16.4% 21	1.6% 2	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Susan J. Stoney: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	101	78.9%
	Good	21	16.4%
	Needs Improvement	5	3.9%
	Unsatisfactory	1	0.8%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	19	16.7%
	Worse	1	0.9%
	Stayed the Same	94	82.5%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Scott R. Geddes

Judge of the General District Court
23rd Judicial District

Submitted to:

The Co-Chairs 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

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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 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.

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. The responses of all surveyed groups are combined in these figures. 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 Scott R. Geddes.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Scott R. Geddes: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	84.3% 129	15.0% 23	0.7% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	90.2% 138	9.8% 15	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	86.8% 132	11.8% 18	1.3% 2	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	88.8% 135	9.9% 15	1.3% 2	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	86.9% 133	13.1% 20	0.0% 0	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	82.4% 122	16.2% 24	1.4% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	88.9% 136	11.1% 17	0.0% 0	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	82.4% 126	13.1% 20	4.6% 7	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	82.9% 126	12.5% 19	4.6% 7	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	93.3% 111	6.7% 8	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	88.0% 132	11.3% 17	0.7% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	88.0% 132	11.3% 17	0.7% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	82.8% 111	14.2% 19	3.0% 4	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	79.3% 107	19.3% 26	1.5% 2	0.0% 0	0.0% 0
15. The judge is faithful to the law	82.2% 111	12.6% 17	5.2% 7	0.0% 0	0.0% 0
16. The judge communicates effectively	85.6% 131	12.4% 19	2.0% 3	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	90.1% 136	9.3% 14	0.7% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	85.4% 129	14.6% 22	0.0% 0	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	88.7% 134	8.0% 12	3.3% 5	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	89.4% 135	10.6% 16	0.0% 0	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	86.2% 131	11.2% 17	2.6% 4	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Scott R. Geddes: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	128	84.2%
	Good	20	13.2%
	Needs Improvement	4	2.6%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	18	13.1%
	Worse	1	0.7%
	Stayed the Same	118	86.1%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Rupen R. Shah

Judge of the General District Court
25th Judicial District

Submitted to:

The Co-Chairs 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

2022



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This report reflects a total of 106 completed surveys for Judge Rupen R. Shah.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Rupen R. Shah: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	45.3% 48	34.9% 37	17.0% 18	2.8% 3	0.0% 0
2. The judge is courteous in the courtroom	53.3% 56	30.5% 32	12.4% 13	3.8% 4	0.0% 0
3. The judge is conscientious in the performance of judicial duties	63.5% 66	25.0% 26	7.7% 8	2.9% 3	1.0% 1
4. The judge is diligent in the performance of judicial duties	66.3% 67	18.8% 19	9.9% 10	5.0% 5	0.0% 0
5. The judge shows respect for all court participants	56.6% 60	26.4% 28	9.4% 10	6.6% 7	0.9% 1
6. The judge requires court participants to display respect toward one another	68.3% 69	22.8% 23	5.9% 6	3.0% 3	0.0% 0
7. The judge is attentive to the proceedings	72.4% 76	18.1% 19	7.6% 8	1.9% 2	0.0% 0
8. The judge exhibits fairness to all parties	56.3% 58	23.3% 24	13.6% 14	6.8% 7	0.0% 0
9. The judge treats all parties in an impartial manner	56.7% 59	25.0% 26	11.5% 12	6.7% 7	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	72.8% 59	19.8% 16	4.9% 4	2.5% 2	0.0% 0
11. The judge maintains order in the courtroom	75.5% 80	19.8% 21	2.8% 3	1.9% 2	0.0% 0
12. The judge expects professional behavior of court participants	76.9% 80	21.2% 22	1.9% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	53.2% 50	28.7% 27	11.7% 11	5.3% 5	1.1% 1
14. The judge displays knowledge of the law	47.9% 45	25.5% 24	19.2% 18	5.3% 5	2.1% 2
15. The judge is faithful to the law	45.3% 43	30.5% 29	19.0% 18	4.2% 4	1.1% 1
16. The judge communicates effectively	44.8% 47	26.7% 28	17.1% 18	9.5% 10	1.9% 2
17. The judge is prompt in rendering decisions	62.8% 64	22.6% 23	8.8% 9	5.9% 6	0.0% 0
18. The judge's decisions are clear	51.5% 53	26.2% 27	19.4% 20	1.9% 2	1.0% 1
19. The judge performs judicial duties without bias or prejudice	61.8% 63	24.5% 25	9.8% 10	3.9% 4	0.0% 0
20. The judge convenes court without undue delay	63.4% 64	23.8% 24	9.9% 10	2.0% 2	1.0% 1
21. The judge uses courtroom time efficiently	51.0% 52	25.5% 26	13.7% 14	5.9% 6	3.9% 4

**Attorney, Bailiff, and Court Reporter
Evaluation of Rupen R. Shah: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	52	50.5%
	Good	24	23.3%
	Needs Improvement	19	18.5%
	Unsatisfactory	8	7.8%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	12	13.6%
	Worse	3	3.4%
	Stayed the Same	73	83.0%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Larry D. Willis, Sr.

Judge of the Juvenile and Domestic Relations District Court
1st Judicial District

Submitted to:

The Co-Chairs 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

2022



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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 103 completed surveys for Judge Larry D. Willis, Sr.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Larry D. Willis, Sr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	63.7% 65	25.5% 26	7.8% 8	2.0% 2	1.0% 1
2. The judge is courteous in the courtroom	66.0% 68	26.2% 27	4.9% 5	1.9% 2	1.0% 1
3. The judge is conscientious in the performance of judicial duties	63.4% 64	20.8% 21	12.9% 13	2.0% 2	1.0% 1
4. The judge is diligent in the performance of judicial duties	65.0% 65	21.0% 21	9.0% 9	4.0% 4	1.0% 1
5. The judge shows respect for all court participants	64.1% 66	20.4% 21	11.7% 12	2.9% 3	1.0% 1
6. The judge requires court participants to display respect toward one another	64.0% 64	27.0% 27	7.0% 7	2.0% 2	0.0% 0
7. The judge is attentive to the proceedings	71.8% 74	17.5% 18	7.8% 8	2.9% 3	0.0% 0
8. The judge exhibits fairness to all parties	60.2% 62	18.5% 19	14.6% 15	5.8% 6	1.0% 1
9. The judge treats all parties in an impartial manner	62.1% 64	18.5% 19	13.6% 14	3.9% 4	1.9% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	72.0% 59	23.2% 19	3.7% 3	1.2% 1	0.0% 0
11. The judge maintains order in the courtroom	72.6% 74	23.5% 24	3.9% 4	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	75.3% 76	21.8% 22	3.0% 3	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	60.8% 59	18.6% 18	10.3% 10	9.3% 9	1.0% 1
14. The judge displays knowledge of the law	63.3% 62	20.4% 20	12.2% 12	3.1% 3	1.0% 1
15. The judge is faithful to the law	55.7% 54	26.8% 26	12.4% 12	4.1% 4	1.0% 1
16. The judge communicates effectively	68.0% 70	23.3% 24	5.8% 6	1.9% 2	1.0% 1
17. The judge is prompt in rendering decisions	74.3% 75	22.8% 23	2.0% 2	1.0% 1	0.0% 0
18. The judge's decisions are clear	71.6% 73	21.6% 22	4.9% 5	1.0% 1	1.0% 1
19. The judge performs judicial duties without bias or prejudice	62.0% 62	20.0% 20	14.0% 14	3.0% 3	1.0% 1
20. The judge convenes court without undue delay	75.0% 75	22.0% 22	3.0% 3	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	67.3% 68	23.8% 24	6.9% 7	1.0% 1	1.0% 1

**Attorney, Bailiff, and Court Reporter
Evaluation of Larry D. Willis, Sr.: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	61	60.4%
	Good	21	20.8%
	Needs Improvement	13	12.9%
	Unsatisfactory	6	5.9%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	5	5.3%
	Worse	6	6.4%
	Stayed the Same	83	88.3%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Bryan K. Meals

Judge of the Juvenile and Domestic Relations District Court
3rd Judicial District

Submitted to:

The Co-Chairs 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

2022



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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 Bryan K. Meals.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Bryan K. Meals: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	35.0% 21	21.7% 13	28.3% 17	13.3% 8	1.7% 1
2. The judge is courteous in the courtroom	41.0% 25	21.3% 13	23.0% 14	14.8% 9	0.0% 0
3. The judge is conscientious in the performance of judicial duties	56.7% 34	25.0% 15	15.0% 9	3.3% 2	0.0% 0
4. The judge is diligent in the performance of judicial duties	60.0% 36	26.7% 16	10.0% 6	3.3% 2	0.0% 0
5. The judge shows respect for all court participants	43.3% 26	21.7% 13	21.7% 13	11.7% 7	1.7% 1
6. The judge requires court participants to display respect toward one another	61.7% 37	15.0% 9	20.0% 12	3.3% 2	0.0% 0
7. The judge is attentive to the proceedings	65.0% 39	25.0% 15	6.7% 4	3.3% 2	0.0% 0
8. The judge exhibits fairness to all parties	48.3% 29	23.3% 14	23.3% 14	3.3% 2	1.7% 1
9. The judge treats all parties in an impartial manner	48.3% 29	26.7% 16	18.3% 11	5.0% 3	1.7% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	70.8% 34	18.8% 9	10.4% 5	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	75.0% 45	18.3% 11	6.7% 4	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	73.3% 44	20.0% 12	6.7% 4	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	51.7% 30	19.0% 11	22.4% 13	5.2% 3	1.7% 1
14. The judge displays knowledge of the law	55.2% 32	22.4% 13	13.8% 8	6.9% 4	1.7% 1
15. The judge is faithful to the law	56.9% 33	17.2% 10	20.7% 12	5.2% 3	0.0% 0
16. The judge communicates effectively	58.3% 35	25.0% 15	11.7% 7	3.3% 2	1.7% 1
17. The judge is prompt in rendering decisions	63.3% 38	25.0% 15	11.7% 7	0.0% 0	0.0% 0
18. The judge's decisions are clear	66.7% 40	20.0% 12	11.7% 7	1.7% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	55.2% 32	20.7% 12	17.2% 10	5.2% 3	1.7% 1
20. The judge convenes court without undue delay	70.0% 42	28.3% 17	1.7% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	63.3% 38	25.0% 15	10.0% 6	1.7% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Bryan K. Meals: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	30	52.6%
	Good	9	15.8%
	Needs Improvement	13	22.8%
	Unsatisfactory	5	8.8%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	4	7.7%
	Worse	3	5.8%
	Stayed the Same	45	86.5%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Stan D. Clark

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

Submitted to:

The Co-Chairs 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

2022



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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 Stan D. Clark.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Stan D. Clark: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	72.1% 80	21.6% 24	6.3% 7	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	80.9% 89	16.4% 18	2.7% 3	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	80.2% 89	17.1% 19	2.7% 3	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	79.3% 88	18.0% 20	2.7% 3	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	81.1% 90	14.4% 16	4.5% 5	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	84.3% 91	13.9% 15	1.9% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	82.0% 91	16.2% 18	1.8% 2	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	78.4% 87	17.1% 19	4.5% 5	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	79.3% 88	16.2% 18	4.5% 5	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	82.8% 72	12.6% 11	4.6% 4	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	86.4% 95	12.7% 14	0.9% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	85.5% 94	13.6% 15	0.9% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	80.8% 80	17.2% 17	2.0% 2	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	74.8% 74	17.2% 17	7.1% 7	1.0% 1	0.0% 0
15. The judge is faithful to the law	74.5% 73	20.4% 20	5.1% 5	0.0% 0	0.0% 0
16. The judge communicates effectively	79.3% 88	14.4% 16	6.3% 7	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	83.6% 92	12.7% 14	3.6% 4	0.0% 0	0.0% 0
18. The judge's decisions are clear	81.8% 90	13.6% 15	4.6% 5	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	79.8% 87	11.9% 13	8.3% 9	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	75.9% 82	22.2% 24	1.9% 2	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	75.7% 81	23.4% 25	0.9% 1	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Stan D. Clark: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	86	76.8%
	Good	22	19.6%
	Needs Improvement	4	3.6%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	9	8.9%
	Worse	0	0.0%
	Stayed the Same	92	91.1%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Julian W. Johnson

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

Submitted to:

The Co-Chairs 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

2022



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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 81 completed surveys for Judge Julian W. Johnson.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Julian W. Johnson: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	63.0% 51	34.6% 28	2.5% 2	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	84.0% 68	12.4% 10	3.7% 3	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	77.8% 63	16.1% 13	6.2% 5	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	76.5% 62	19.8% 16	2.5% 2	0.0% 0	1.2% 1
5. The judge shows respect for all court participants	80.0% 64	16.3% 13	3.8% 3	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	80.3% 65	16.1% 13	1.2% 1	1.2% 1	1.2% 1
7. The judge is attentive to the proceedings	82.7% 67	11.1% 9	4.9% 4	1.2% 1	0.0% 0
8. The judge exhibits fairness to all parties	67.9% 55	23.5% 19	6.2% 5	1.2% 1	1.2% 1
9. The judge treats all parties in an impartial manner	69.1% 56	21.0% 17	7.4% 6	1.2% 1	1.2% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	81.9% 59	13.9% 10	2.8% 2	0.0% 0	1.4% 1
11. The judge maintains order in the courtroom	85.2% 69	12.4% 10	1.2% 1	0.0% 0	1.2% 1
12. The judge expects professional behavior of court participants	84.0% 68	12.4% 10	1.2% 1	1.2% 1	1.2% 1
13. The judge allows lawyers appropriate latitude in presentation of their case	68.0% 53	24.4% 19	6.4% 5	0.0% 0	1.3% 1
14. The judge displays knowledge of the law	70.9% 56	20.3% 16	7.6% 6	0.0% 0	1.3% 1
15. The judge is faithful to the law	70.9% 56	20.3% 16	7.6% 6	1.3% 1	0.0% 0
16. The judge communicates effectively	70.0% 56	23.8% 19	5.0% 4	1.3% 1	0.0% 0
17. The judge is prompt in rendering decisions	81.5% 66	17.3% 14	1.2% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	75.3% 61	23.5% 19	1.2% 1	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	75.0% 60	18.8% 15	3.8% 3	1.3% 1	1.3% 1
20. The judge convenes court without undue delay	67.5% 54	26.3% 21	6.3% 5	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	69.1% 56	24.7% 20	4.9% 4	1.2% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Julian W. Johnson: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	58	71.6%
	Good	17	21.0%
	Needs Improvement	6	7.4%
	Unsatisfactory	0	0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	13	16.9%
	Worse	3	3.9%
	Stayed the Same	61	79.2%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Shannon O. Hoehl

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

Submitted to:

The Co-Chairs 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

2022



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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 Shannon O. Hoehl.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Shannon O. Hoehl: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	55.2% 69	32.8% 41	11.2% 14	0.8% 1	0.0% 0
2. The judge is courteous in the courtroom	65.1% 82	29.4% 37	5.6% 7	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	76.6% 95	21.0% 26	1.6% 2	0.8% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	79.2% 99	19.2% 24	0.8% 1	0.8% 1	0.0% 0
5. The judge shows respect for all court participants	68.3% 86	23.8% 30	7.1% 9	0.8% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	80.7% 100	16.9% 21	2.4% 3	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	83.3% 105	14.3% 18	1.6% 2	0.8% 1	0.0% 0
8. The judge exhibits fairness to all parties	65.3% 81	21.8% 27	10.5% 13	2.4% 3	0.0% 0
9. The judge treats all parties in an impartial manner	63.2% 79	24.0% 30	10.4% 13	2.4% 3	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	91.4% 96	4.8% 5	1.9% 2	1.9% 2	0.0% 0
11. The judge maintains order in the courtroom	90.5% 114	9.5% 12	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	88.6% 109	9.8% 12	1.6% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	67.2% 84	20.0% 25	10.4% 13	1.6% 2	0.8% 1
14. The judge displays knowledge of the law	73.6% 92	21.6% 27	4.0% 5	0.8% 1	0.0% 0
15. The judge is faithful to the law	73.8% 93	15.9% 20	9.5% 12	0.8% 1	0.0% 0
16. The judge communicates effectively	78.6% 99	15.1% 19	4.8% 6	1.6% 2	0.0% 0
17. The judge is prompt in rendering decisions	85.5% 106	11.3% 14	2.4% 3	0.8% 1	0.0% 0
18. The judge's decisions are clear	83.9% 104	11.3% 14	4.0% 5	0.8% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	72.6% 90	17.7% 22	8.1% 10	0.8% 1	0.8% 1
20. The judge convenes court without undue delay	80.8% 101	14.4% 18	4.8% 6	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	80.8% 101	13.6% 17	5.6% 7	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Shannon O. Hoehl: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	83	67.5%
	Good	31	25.2%
	Needs Improvement	6	4.9%
	Unsatisfactory	3	2.4%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	14	12.2%
	Worse	2	1.7%
	Stayed the Same	99	86.1%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Constance H. Frogale

Judge of the Juvenile and Domestic Relations District Court
18th Judicial District

Submitted to:

The Co-Chairs 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

2022



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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 99 completed surveys for Judge Constance H. Frogale.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Constance H. Frogale: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	58.6% 58	24.2% 24	13.1% 13	4.0% 4	0.0% 0
2. The judge is courteous in the courtroom	73.5% 72	16.3% 16	9.2% 9	1.0% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	68.4% 67	17.4% 17	11.2% 11	3.1% 3	0.0% 0
4. The judge is diligent in the performance of judicial duties	68.0% 66	20.6% 20	7.2% 7	4.1% 4	0.0% 0
5. The judge shows respect for all court participants	75.8% 75	8.1% 8	14.1% 14	1.0% 1	1.0% 1
6. The judge requires court participants to display respect toward one another	69.9% 65	21.5% 20	7.5% 7	1.1% 1	0.0% 0
7. The judge is attentive to the proceedings	65.3% 64	23.5% 23	8.2% 8	3.1% 3	0.0% 0
8. The judge exhibits fairness to all parties	65.3% 64	12.2% 12	14.3% 14	7.1% 7	1.0% 1
9. The judge treats all parties in an impartial manner	61.2% 60	18.4% 18	14.3% 14	4.1% 4	2.0% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	88.5% 69	9.0% 7	1.3% 1	1.3% 1	0.0% 0
11. The judge maintains order in the courtroom	70.4% 69	22.5% 22	4.1% 4	3.1% 3	0.0% 0
12. The judge expects professional behavior of court participants	72.2% 70	17.5% 17	8.3% 8	2.1% 2	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	60.8% 59	21.7% 21	11.3% 11	6.2% 6	0.0% 0
14. The judge displays knowledge of the law	53.1% 52	22.5% 22	18.4% 18	6.1% 6	0.0% 0
15. The judge is faithful to the law	53.6% 52	19.6% 19	20.6% 20	4.1% 4	2.1% 2
16. The judge communicates effectively	54.6% 54	24.2% 24	13.1% 13	7.1% 7	1.0% 1
17. The judge is prompt in rendering decisions	66.7% 64	24.0% 23	7.3% 7	1.0% 1	1.0% 1
18. The judge's decisions are clear	59.4% 57	22.9% 22	12.5% 12	4.2% 4	1.0% 1
19. The judge performs judicial duties without bias or prejudice	64.2% 61	15.8% 15	12.6% 12	5.3% 5	2.1% 2
20. The judge convenes court without undue delay	52.6% 51	32.0% 31	10.3% 10	5.2% 5	0.0% 0
21. The judge uses courtroom time efficiently	46.5% 46	26.3% 26	17.2% 17	10.1% 10	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Constance H. Frogale: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	52	53.1%
	Good	22	22.5%
	Needs Improvement	19	19.4%
	Unsatisfactory	5	5.1%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	5	5.9%
	Worse	9	10.6%
	Stayed the Same	71	83.5%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Melissa N. Cupp

Judge of the Juvenile and Domestic Relations District Court
20th Judicial District

Submitted to:

The Co-Chairs 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

2022



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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 Melissa N. Cupp.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Melissa N. Cupp: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	83.5% 81	15.5% 15	1.0% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	86.6% 84	11.3% 11	2.1% 2	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	84.5% 82	11.3% 11	3.1% 3	1.0% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	84.5% 82	12.4% 12	2.1% 2	1.0% 1	0.0% 0
5. The judge shows respect for all court participants	89.7% 87	5.2% 5	5.2% 5	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	79.2% 76	13.5% 13	6.3% 6	0.0% 0	1.0% 1
7. The judge is attentive to the proceedings	90.7% 88	8.3% 8	1.0% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	82.5% 80	10.3% 10	5.2% 5	2.1% 2	0.0% 0
9. The judge treats all parties in an impartial manner	80.4% 78	11.3% 11	5.2% 5	3.1% 3	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	89.7% 70	6.4% 5	2.6% 2	1.3% 1	0.0% 0
11. The judge maintains order in the courtroom	79.4% 77	15.5% 15	5.2% 5	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	79.2% 76	15.6% 15	4.2% 4	1.0% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	78.2% 68	13.8% 12	5.8% 5	2.3% 2	0.0% 0
14. The judge displays knowledge of the law	79.8% 71	12.4% 11	3.4% 3	4.5% 4	0.0% 0
15. The judge is faithful to the law	76.4% 68	10.1% 9	9.0% 8	4.5% 4	0.0% 0
16. The judge communicates effectively	79.4% 77	14.4% 14	5.2% 5	0.0% 0	1.0% 1
17. The judge is prompt in rendering decisions	82.1% 78	14.7% 14	3.2% 3	0.0% 0	0.0% 0
18. The judge's decisions are clear	76.6% 72	19.2% 18	3.2% 3	1.1% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	81.1% 77	10.5% 10	6.3% 6	2.1% 2	0.0% 0
20. The judge convenes court without undue delay	70.1% 68	24.7% 24	5.2% 5	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	67.0% 65	23.7% 23	8.3% 8	1.0% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Melissa N. Cupp: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	73	75.3%
	Good	16	16.5%
	Needs Improvement	6	6.2%
	Unsatisfactory	2	2.1%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	24	28.6%
	Worse	3	3.6%
	Stayed the Same	57	67.9%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Pamela L. Brooks

Judge of the Juvenile and Domestic Relations District Court
20th Judicial District

Submitted to:

The Co-Chairs 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

2022



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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 Pamela L. Brooks.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Pamela L. Brooks: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	28.3% 41	37.9% 55	26.9% 39	6.2% 9	0.7% 1
2. The judge is courteous in the courtroom	41.0% 59	35.4% 51	17.4% 25	6.3% 9	0.0% 0
3. The judge is conscientious in the performance of judicial duties	61.8% 89	26.4% 38	8.3% 12	3.5% 5	0.0% 0
4. The judge is diligent in the performance of judicial duties	64.1% 93	24.1% 35	9.0% 13	2.8% 4	0.0% 0
5. The judge shows respect for all court participants	47.3% 69	28.1% 41	16.4% 24	6.2% 9	2.1% 3
6. The judge requires court participants to display respect toward one another	69.8% 97	20.9% 29	7.9% 11	1.4% 2	0.0% 0
7. The judge is attentive to the proceedings	73.3% 107	19.2% 28	6.2% 9	1.4% 2	0.0% 0
8. The judge exhibits fairness to all parties	54.6% 78	23.1% 33	16.1% 23	6.3% 9	0.0% 0
9. The judge treats all parties in an impartial manner	55.6% 80	25.7% 37	12.5% 18	6.3% 9	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	80.4% 82	16.7% 17	2.9% 3	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	82.1% 119	15.2% 22	2.8% 4	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	81.4% 118	15.9% 23	2.8% 4	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	45.9% 61	30.1% 40	18.1% 24	5.3% 7	0.8% 1
14. The judge displays knowledge of the law	64.1% 84	25.2% 33	8.4% 11	2.3% 3	0.0% 0
15. The judge is faithful to the law	58.8% 77	26.0% 34	12.2% 16	3.1% 4	0.0% 0
16. The judge communicates effectively	66.2% 96	22.1% 32	9.0% 13	2.8% 4	0.0% 0
17. The judge is prompt in rendering decisions	79.3% 115	17.9% 26	1.4% 2	1.4% 2	0.0% 0
18. The judge's decisions are clear	77.9% 113	15.9% 23	4.8% 7	1.4% 2	0.0% 0
19. The judge performs judicial duties without bias or prejudice	61.0% 86	20.6% 29	11.4% 16	6.4% 9	0.7% 1
20. The judge convenes court without undue delay	63.9% 92	24.3% 35	8.3% 12	2.8% 4	0.7% 1
21. The judge uses courtroom time efficiently	67.8% 97	21.7% 31	7.7% 11	2.8% 4	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Pamela L. Brooks: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	81	57.5%
	Good	36	25.5%
	Needs Improvement	15	10.6%
	Unsatisfactory	9	6.4%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	22	17.7%
	Worse	5	4.0%
	Stayed the Same	97	78.2%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Paul A. Tucker

Judge of the Juvenile and Domestic Relations District Court
25th Judicial District

Submitted to:

The Co-Chairs 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

2022



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 and 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 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.

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. The responses of all surveyed groups are combined in these figures. 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 65 completed surveys for Judge Paul A. Tucker.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Paul A. Tucker: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	89.2% 58	10.8% 7	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	93.9% 61	6.2% 4	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	89.1% 57	9.4% 6	1.6% 1	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	89.2% 58	9.2% 6	1.5% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	90.8% 59	9.2% 6	0.0% 0	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	76.9% 50	23.1% 15	0.0% 0	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	84.6% 55	13.9% 9	1.5% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	84.6% 55	12.3% 8	3.1% 2	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	89.1% 57	9.4% 6	1.6% 1	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	93.9% 46	6.1% 3	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	81.5% 53	16.9% 11	1.5% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	81.5% 53	16.9% 11	1.5% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	87.3% 48	12.7% 7	0.0% 0	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	80.0% 44	16.4% 9	3.6% 2	0.0% 0	0.0% 0
15. The judge is faithful to the law	81.8% 45	14.6% 8	3.6% 2	0.0% 0	0.0% 0
16. The judge communicates effectively	76.9% 50	21.5% 14	1.5% 1	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	86.2% 56	13.9% 9	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	81.3% 52	17.2% 11	1.6% 1	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	87.5% 56	10.9% 7	1.6% 1	0.0% 0	0.0% 0
20. The judge convenes court without undue delay	83.1% 54	15.4% 10	1.5% 1	0.0% 0	0.0% 0
21. The judge uses courtroom time efficiently	78.5% 51	16.9% 11	4.6% 3	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Paul A. Tucker: Evaluation Summary**

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	50	76.9%
	Good	15	23.1%
	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	4	6.6%
	Worse	0	0.0%
	Stayed the Same	57	93.4%