

SUPREME COURT OF VIRGINIA

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November 17, 2023

DELIVERED VIA E-MAIL

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

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

The Honorable L.R. Adams, Vice Chair
House Committee for Courts of Justice
General Assembly Building
Capitol Square
Richmond, Virginia 23219

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

Dear Chairs Edwards and Deeds and Vice Chair Adams:

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 L.R. Adams, Vice Chair
November 17, 2023
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The attached document includes the evaluation reports prepared for the judges, listed below, who are eligible for re-election during the 2024 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.

A recent change to the surveys resulted in the removal of the following performance factor as a survey question: “The judge convenes court without undue delay.” Analysis conducted by JPE evaluation staff at Virginia Commonwealth University’s Survey and Evaluation Research Laboratory in the L. Douglas Wilder School of Government and Public Affairs showed evidence of racial and gender bias among responses to this question. In addition, it was determined to be an inaccurate assessment of performance because there are many variables which can contribute to or cause a delay, many of which are unseen by those in the courtroom and outside of the judge’s control. We are studying alternatives that could provide a more suitable question and more accurately measure timeliness, while avoiding the intrinsic bias found in the question that was removed.

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).

Court of Appeals of Virginia Judge

1. The Honorable Mary B. Malveaux

Circuit Court Judges

2. The Honorable Marjorie T. Arrington, First Judicial Circuit
3. The Honorable Stephen Anderson Nelson, Tenth Judicial Circuit
4. The Honorable John Overton Harris, Fifteenth Judicial Circuit
5. The Honorable Roy Michael McKenney, Fifteenth Judicial Circuit
6. The Honorable Ricardo Rigual, Fifteenth Judicial Circuit
7. The Honorable John Christopher Clemens, Twenty-Third Judicial Circuit
8. The Honorable John T. Cook, Twenty-Fourth Judicial Circuit
9. The Honorable Robert M. D. Turk, Twenty-Seventh Judicial Circuit

General District Court Judges

10. The Honorable Michael R. Katchmark, First Judicial District
11. The Honorable Daniel Roger Lahne, Second Judicial District
12. The Honorable Roxie O. Holder, Third Judicial District
13. The Honorable Selena Stellute Glenn, Eighth Judicial District
14. The Honorable Theresa W. Carter, Sixteenth Judicial District

The Honorable John S. Edwards, Co-Chair
The Honorable R. Creigh Deeds, Co-Chair
The Honorable L.R. Adams, Vice Chair
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15. The Honorable Sam Daniel Eggleston, Twenty-Fourth Judicial District
16. The Honorable J. D. Bolt, Twenty-Seventh Judicial District
17. The Honorable Gerald Eugene Mabe, II, Twenty-Seventh Judicial District
18. The Honorable William E. Jarvis, Thirty-First Judicial District
19. The Honorable Gordon S. Vincent, Two-A Judicial District

Juvenile and Domestic Relations District Court Judges

20. The Honorable David J. Whitted, First Judicial District
21. The Honorable Diane P. Griffin, Third Judicial District
22. The Honorable Robert McLanahan Smith, III, Fourth Judicial District
23. The Honorable J. David Rigler, Twelfth Judicial District
24. The Honorable Ashley K. Tunner, Thirteenth Judicial District
25. The Honorable Margaret W. Deglau, Fourteenth Judicial District
26. The Honorable Ronald L. Morris, Sixteenth Judicial District
27. The Honorable Brian H. Turpin, Twenty-Second Judicial District
28. The Honorable Brooke Taylor Willse Gaddy, Twenty-Fourth Judicial District
29. The Honorable H. Cary Payne, Twenty-Fourth Judicial District
30. The Honorable Monica D. Cox, Twenty-Seventh Judicial District
31. The Honorable Howard Lee Chitwood, Twenty-Seventh Judicial District
32. The Honorable Richard S. Buddington, Jr., Twenty-Eighth Judicial District
33. The Honorable Marcus F. McClung, Thirtieth 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 (my son)

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 – 2023

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 Court of Appeals' report 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.
 - The Court of Appeals judge was evaluated by circuit court judges on 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 Mary B. Malveaux

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

2023



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 additional 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 2023 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 132 completed surveys for Judge Mary B. Malveaux (49 circuit court judge surveys and 83 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 B. Malveaux: Evaluation Summary

Performance Factors: Oral Argument	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	78.2% 61	20.5% 16	1.3% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	87.2% 68	11.5% 9	0.0% 0	1.3% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	83.8% 62	16.2% 12	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	84.1% 58	14.5% 10	1.4% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	88.5% 69	10.3% 8	0.0% 0	1.3% 1	0.0% 0
6. The judge is attentive to the proceedings	88.0% 66	12.0% 9	0.0% 0	0.0% 0	0.0% 0
7. The judge exhibits fairness to all parties	82.9% 63	10.5% 8	5.3% 4	1.3% 1	0.0% 0
8. The judge treats all parties in an impartial manner	86.5% 64	8.1% 6	4.1% 3	0.0% 0	1.4% 1
9. The judge avoids inappropriate <i>ex parte</i> communications	95.7% 45	4.3% 2	0.0% 0	0.0% 0	0.0% 0
10. The judge expects professional behavior of court participants	90.3% 65	9.7% 7	0.0% 0	0.0% 0	0.0% 0
11. The judge allows lawyers appropriate latitude in presentation of their case	81.3% 61	17.3% 13	1.3% 1	0.0% 0	0.0% 0
12. The judge displays knowledge of the law	70.7% 53	21.3% 16	8.0% 6	0.0% 0	0.0% 0
13. The judge communicates effectively	77.9% 60	19.5% 15	2.6% 2	0.0% 0	0.0% 0
14. The judge performs judicial duties without bias or prejudice	81.7% 58	11.3% 8	5.6% 4	1.4% 1	0.0% 0
15. The judge asks relevant questions	75.0% 57	18.4% 14	6.6% 5	0.0% 0	0.0% 0

Evaluation of Judge Mary B. Malveaux: Evaluation Summary

Performance Factor: Written Opinions	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge writes opinions that exhibit the proper application of judicial precedents	65.0% 39	30.0% 18	5.0% 3	0.0% 0	0.0% 0
2. The judge writes opinions that adequately explain the basis of the court's decision	71.7% 43	23.3% 14	5.0% 3	0.0% 0	0.0% 0
3. The judge writes opinions that provide an applicable standard of review for the case, if any	76.7% 46	20.0% 12	3.3% 2	0.0% 0	0.0% 0
4. The judge writes opinions that provide clear direction to the lower tribunal or court	74.1% 40	22.2% 12	3.7% 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	66.7% 38	24.6% 14	8.8% 5	0.0% 0	0.0% 0
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	71.2% 42	18.6% 11	10.2% 6	0.0% 0	0.0% 0
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	79.7% 47	15.3% 9	5.1% 3	0.0% 0	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	74.4% 32	20.9% 9	4.7% 2	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	73.3% 44	20.0% 12	6.7% 4	0.0% 0	0.0% 0
10. The judge writes opinions in which the legal reasoning is easy to follow	73.3% 44	21.7% 13	5.0% 3	0.0% 0	0.0% 0

Evaluation of Judge Mary B. Malveaux: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	54	73.0%
	Good	17	23.0%
	Needs Improvement	3	4.1%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	6	16.2%
	Worse	1	2.7%
	Stayed the Same	30	81.1%

PART I
SECTION B

CIRCUIT COURT JUDGE SURVEYS

Evaluation of Judge Mary B. Malveaux: 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	71.4% 35	24.5% 12	4.1% 2	0.0% 0	0.0% 0
2. The judge writes opinions that adequately explain the basis of the court's decision	81.6% 40	16.3% 8	2.0% 1	0.0% 0	0.0% 0
3. The judge writes opinions that provide an applicable standard of review for the case, if any	72.9% 35	22.9% 11	4.2% 2	0.0% 0	0.0% 0
4. The judge writes opinions that provide clear direction to the lower tribunal or court	70.2% 33	25.5% 12	4.3% 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	68.8% 33	27.1% 13	4.2% 2	0.0% 0	0.0% 0
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	77.1% 37	20.8% 10	2.1% 1	0.0% 0	0.0% 0
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	75.5% 37	22.4% 11	2.0% 1	0.0% 0	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	67.6% 23	23.5% 8	8.8% 3	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	77.1% 37	12.5% 6	10.4% 5	0.0% 0	0.0% 0
10. The judge writes opinions in which the legal reasoning is easy to follow	68.8% 33	22.9% 11	8.3% 4	0.0% 0	0.0% 0

Evaluation of Judge Mary B. Malveaux: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	38	77.6%
	Good	11	22.4%
	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	5	12.2%
	Worse	0	0.0%
	Stayed the Same	36	87.8%

PART I
SECTION C

COMBINED SURVEYS:
ATTORNEYS AND CIRCUIT COURT JUDGES

Evaluation of Judge Mary B. Malveaux: 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	67.9% 74	27.5% 30	4.6% 5	0.0% 0	0.0% 0
2. The judge writes opinions that adequately explain the basis of the court's decision	76.1% 83	20.2% 22	3.7% 4	0.0% 0	0.0% 0
3. The judge writes opinions that provide an applicable standard of review for the case, if any	75.0% 81	21.3% 23	3.7% 4	0.0% 0	0.0% 0
4. The judge writes opinions that provide clear direction to the lower tribunal or court	72.3% 73	23.8% 24	4.0% 4	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	67.6% 71	25.7% 27	6.7% 7	0.0% 0	0.0% 0
6. The judge writes opinions that clearly present the facts needed to decide the case before the court	73.8% 79	19.6% 21	6.5% 7	0.0% 0	0.0% 0
7. The judge writes opinions that accurately summarize the relevant procedural history in the lower tribunal or court	77.8% 84	18.5% 20	3.7% 4	0.0% 0	0.0% 0
8. The judge writes separate opinions that are appropriate in tone	71.4% 55	22.1% 17	6.5% 5	0.0% 0	0.0% 0
9. The judge writes opinions that are clear	75.0% 81	16.7% 18	8.3% 9	0.0% 0	0.0% 0
10. The judge writes opinions in which the legal reasoning is easy to follow	71.3% 77	22.2% 24	6.5% 7	0.0% 0	0.0% 0

Evaluation of Judge Mary B. Malveaux: Evaluation Summary

Performance Factor	Survey Responses		
	Number	Percent	
Judge's overall performance	Excellent	92	74.8%
	Good	28	22.8%
	Needs Improvement	3	2.4%
	Unsatisfactory	0	0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	11	14.1%
	Worse	1	1.3%
	Stayed the Same	66	84.6%

PART II

OPINION REVIEW
BY
APPELLATE OPINION REVIEW COMMITTEE

Evaluation of Judge Mary B. Malveaux: Opinion Review
Case Name: Poole 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: Clear and very readable opinion; good analysis of impact of amendment and effect of precedent; some committee members felt that facts could have been clearer.

Evaluation of Judge Mary B. Malveaux: Opinion Review
Case Name: Poole v. Commonwealth

Performance Factor: Fairness

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

Evaluation of Judge Mary B. Malveaux: Opinion Review
Case Name: Poole 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 B. Malveaux: Opinion Review
Case Name: Peed v. Dept. of Transportation & Washington Gas

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: Clear, straight forward analysis; clear and succinct statement of facts of the case. One committee member felt that unnecessary detail of facts in a cited case when citation alone may have been sufficient.

Evaluation of Judge Mary B. Malveaux: Opinion Review
Case Name: Peed v. Dept. of Transportation & Washington Gas

Performance Factor: Fairness

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

Evaluation of Judge Mary B. Malveaux: Opinion Review
Case Name: Peed v. Dept. of Transportation & Washington Gas

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 B. Malveaux: Opinion Review
Case Name: Lively v. Smith (adoption)

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: Solid opinion; Judge did a good job of saying up front where the opinion is going and then following its trail to its logical conclusion.

Evaluation of Judge Mary B. Malveaux: Opinion Review
Case Name: Lively v. Smith (adoption)

Performance Factor: Fairness

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

Evaluation of Judge Mary B. Malveaux: Opinion Review
Case Name: Lively v. Smith (adoption)

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 B. Malveaux: Opinion Review
Case Name: Kilpatrick v. Commonwealth (Dissent)

Performance Factor: Legal Analysis and Reasoning

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

Evaluation of Judge Mary B. Malveaux: Opinion Review
Case Name: Kilpatrick v. Commonwealth (Dissent)

Performance Factor: Fairness

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

Agree

Evaluation of Judge Mary B. Malveaux: Opinion Review
Case Name: Kilpatrick v. Commonwealth (Dissent)

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: Well-documented and clearly stated dissent; skillfully developed facts to demonstrate that harmless error appropriately applied because of overwhelming facts.

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Marjorie T. Arrington

Judge of the Circuit Court
1st 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

2023



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 22 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 18 of the 22 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served between December 27, 2022, and June 30, 2023, also received surveys that included 12 of the 22 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. 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 137 completed surveys for Judge Marjorie T. Arrington 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 Marjorie T. Arrington: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 19.88

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	43.4% 59	35.3% 48	18.4% 25	2.9% 4	0.0% 0
2. The judge is courteous in the courtroom	54.0% 74	34.3% 47	7.3% 10	4.4% 6	0.0% 0
3. The judge is conscientious in the performance of judicial duties	52.9% 72	27.9% 38	14.7% 20	4.4% 6	0.0% 0
4. The judge is diligent in the performance of judicial duties	51.5% 70	27.2% 37	17.7% 24	3.7% 5	0.0% 0
5. The judge shows respect for all court participants	56.3% 76	25.9% 35	11.1% 15	6.7% 9	0.0% 0
6. The judge requires court participants to display respect toward one another	66.7% 88	24.2% 32	6.8% 9	2.3% 3	0.0% 0
7. The judge is attentive to the proceedings	58.4% 80	26.3% 36	11.7% 16	3.7% 5	0.0% 0
8. The judge exhibits fairness to all parties	55.2% 74	26.1% 35	14.9% 20	3.7% 5	0.0% 0
9. The judge treats all parties in an impartial manner	58.4% 80	22.6% 31	14.6% 20	4.4% 6	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	73.4% 69	14.9% 14	6.4% 6	5.3% 5	0.0% 0
11. The judge maintains order in the courtroom	66.2% 90	28.7% 39	4.4% 6	0.0% 0	0.7% 1
12. The judge expects professional behavior of court participants	73.5% 100	21.3% 29	5.2% 7	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	51.4% 57	27.9% 31	11.7% 13	9.0% 10	0.0% 0
14. The judge displays knowledge of the law	36.9% 41	32.4% 36	18.0% 20	11.7% 13	0.9% 1
15. The judge is faithful to the law	42.3% 47	27.9% 31	22.5% 25	7.2% 8	0.0% 0

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

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	48.2% 66	27.0% 37	19.0% 26	5.1% 7	0.7% 1
17. The judge is prompt in rendering decisions	49.6% 67	29.6% 40	16.3% 22	3.7% 5	0.7% 1
18. The judge's decisions are clear	50.7% 69	27.9% 38	16.2% 22	4.4% 6	0.7% 1
19. The judge performs judicial duties without bias or prejudice	63.4% 85	20.9% 28	9.7% 13	6.0% 8	0.0% 0
20. The judge uses courtroom time efficiently	44.9% 61	28.7% 39	19.1% 26	5.9% 8	1.5% 2

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	62 45.6%
	Good	40 29.4%
	Needs Improvement	28 20.6%
	Unsatisfactory	6 4.4%
In general, over the last three years, has the judge's overall court-related performance become...	Better	6 5.3%
	Worse	8 7.1%
	Stayed the Same	99 87.6%

PART B: Juror Evaluation of Marjorie T. Arrington: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 17	0.0% 0	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% 16	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	100.0% 17	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	100.0% 17	0.0% 0	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 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	15 93.8%
	Good	1 6.3%
	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 2017 – FY 2023**

The Honorable Marjorie T. Arrington
1st 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
2017	92	13	2
2018	72	8	0
2019	70	6	0
2020	62	6	0
2021	114	13	0
2022	105	15	0
2023*	44	6	0

*FY 2023 may not be complete for courts sending handwritten Guidelines or not using SWIFT.

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Stephen Anderson Nelson

Judge of the Circuit Court
10th 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

2023



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 22 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 18 of the 22 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served between December 27, 2022, and June 30, 2023, also received surveys that included 12 of the 22 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. 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 116 completed surveys for Judge Stephen Anderson Nelson for groups other than jurors, and a total of 26 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Stephen Anderson Nelson: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 21.76

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	68.1% 79	28.5% 33	2.6% 3	0.9% 1	0.0% 0
2. The judge is courteous in the courtroom	79.3% 92	18.1% 21	2.6% 3	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	85.1% 97	14.0% 16	0.9% 1	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	85.8% 97	13.3% 15	0.9% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	79.1% 91	16.5% 19	3.5% 4	0.9% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	82.0% 91	17.1% 19	0.9% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	85.3% 99	13.8% 16	0.9% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	82.5% 94	11.4% 13	6.1% 7	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	77.4% 89	16.5% 19	6.1% 7	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	86.5% 77	9.0% 8	4.5% 4	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	91.3% 105	8.7% 10	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	87.8% 101	12.2% 14	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	73.5% 72	22.5% 22	4.1% 4	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	78.6% 77	19.4% 19	2.0% 2	0.0% 0	0.0% 0
15. The judge is faithful to the law	77.6% 76	20.4% 20	2.0% 2	0.0% 0	0.0% 0

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Stephen Anderson Nelson: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	80.2% 93	16.4% 19	3.5% 4	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	82.3% 93	16.8% 19	0.9% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	80.9% 93	17.4% 20	1.7% 2	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	77.2% 88	19.3% 22	2.6% 3	0.9% 1	0.0% 0
20. The judge uses courtroom time efficiently	83.3% 95	15.8% 18	0.9% 1	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	89 78.1%
	Good	19 16.7%
	Needs Improvement	6 5.3%
	Unsatisfactory	0 0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	9 9.1%
	Worse	3 3.0%
	Stayed the Same	87 87.9%

PART B: Juror Evaluation of Stephen Anderson Nelson: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	96.2% 25	0.0% 0	0.0% 0	0.0% 0	3.9% 1
2. The judge is courteous in the courtroom	92.3% 24	3.9% 1	0.0% 0	0.0% 0	3.9% 1
3. The judge shows respect for all court participants	96.2% 25	0.0% 0	0.0% 0	0.0% 0	3.9% 1
4. The judge requires court participants to display respect toward one another	96.2% 25	0.0% 0	0.0% 0	0.0% 0	3.9% 1
5. The judge is attentive to the proceedings	92.3% 24	3.9% 1	0.0% 0	0.0% 0	3.9% 1
6. The judge exhibits fairness to all parties	96.2% 25	0.0% 0	0.0% 0	0.0% 0	3.9% 1
7. The judge treats all parties in an impartial manner	96.0% 24	0.0% 0	0.0% 0	0.0% 0	4.0% 1
8. The judge expects professional behavior of court participants	92.3% 24	3.9% 1	0.0% 0	0.0% 0	3.9% 1
9. The judge communicates effectively	96.2% 25	0.0% 0	0.0% 0	0.0% 0	3.9% 1
10. The judge performs judicial duties without bias or prejudice	92.3% 24	3.9% 1	0.0% 0	0.0% 0	3.9% 1
11. The judge uses courtroom time efficiently	96.2% 25	0.0% 0	0.0% 0	0.0% 0	3.9% 1

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	25 96.2%
	Good	1 3.9%
	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 2017 – FY 2023**

The Honorable Stephen Anderson Nelson
10th Circuit

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

Fiscal Year	Total Guidelines Received	Departure Reason Required	Missing Departure Reason
2017	104	13	1
2018	143	23	0
2019	199	26	0
2020	221	40	0
2021	234	31	0
2022	170	20	0
2023*	99	13	0

*FY 2023 may not be complete for courts sending handwritten Guidelines or not using SWIFT.

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable John Overton Harris

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

2023



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 22 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 18 of the 22 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served between December 27, 2022, and June 30, 2023, also received surveys that included 12 of the 22 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. 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 171 completed surveys for Judge John Overton Harris for groups other than jurors, and a total of 18 completed juror surveys.

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

Statistics on Attorney Survey Respondents

Average Years in Practice: 24.55

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	57.7% 97	28.6% 48	11.3% 19	1.2% 2	1.2% 2
2. The judge is courteous in the courtroom	66.9% 113	22.5% 38	9.5% 16	0.6% 1	0.6% 1
3. The judge is conscientious in the performance of judicial duties	72.8% 123	17.2% 29	7.7% 13	1.8% 3	0.6% 1
4. The judge is diligent in the performance of judicial duties	71.4% 120	19.6% 33	7.7% 13	0.6% 1	0.6% 1
5. The judge shows respect for all court participants	67.8% 116	21.6% 37	8.2% 14	1.2% 2	1.2% 2
6. The judge requires court participants to display respect toward one another	77.9% 127	17.8% 29	3.1% 5	0.6% 1	0.6% 1
7. The judge is attentive to the proceedings	78.4% 134	14.0% 24	6.4% 11	0.6% 1	0.6% 1
8. The judge exhibits fairness to all parties	70.6% 120	17.7% 30	8.8% 15	1.8% 3	1.2% 2
9. The judge treats all parties in an impartial manner	70.0% 119	20.6% 35	6.5% 11	1.8% 3	1.2% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	87.2% 116	12.0% 16	0.0% 0	0.0% 0	0.8% 1
11. The judge maintains order in the courtroom	83.9% 141	13.7% 23	1.8% 3	0.0% 0	0.6% 1
12. The judge expects professional behavior of court participants	83.2% 139	13.2% 22	2.4% 4	0.6% 1	0.6% 1
13. The judge allows lawyers appropriate latitude in presentation of their case	69.2% 110	18.2% 29	10.1% 16	1.3% 2	1.3% 2
14. The judge displays knowledge of the law	70.2% 113	21.7% 35	5.6% 9	0.6% 1	1.9% 3
15. The judge is faithful to the law	71.3% 114	17.5% 28	8.8% 14	0.6% 1	1.9% 3

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

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	74.9% 128	15.2% 26	7.6% 13	1.8% 3	0.6% 1
17. The judge is prompt in rendering decisions	75.8% 125	20.0% 33	3.6% 6	0.6% 1	0.0% 0
18. The judge's decisions are clear	74.0% 125	18.9% 32	6.5% 11	0.6% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	75.3% 125	15.7% 26	6.0% 10	2.4% 4	0.6% 1
20. The judge uses courtroom time efficiently	71.5% 118	21.8% 36	4.2% 7	1.8% 3	0.6% 1

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	115 69.3%
	Good	34 20.5%
	Needs Improvement	13 7.8%
	Unsatisfactory	4 2.4%
In general, over the last three years, has the judge's overall court-related performance become...	Better	8 5.8%
	Worse	10 7.2%
	Stayed the Same	121 87.1%

PART B: Juror Evaluation of John Overton Harris: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	94.4% 17	5.6% 1	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 17	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	94.4% 17	5.6% 1	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 18	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge uses courtroom time efficiently	83.3% 15	11.1% 2	5.6% 1	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	17 94.4%
	Good	1 5.6%
	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 2017 – FY 2023**

The Honorable John Overton Harris
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
2017	165	33	0
2018	139	19	0
2019	171	20	0
2020	148	24	0
2021	123	16	0
2022	110	8	0
2023*	83	16	0

*FY 2023 may not be complete for courts sending handwritten Guidelines or not using SWIFT.

Updated November 4, 2023.

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Roy Michael McKenney

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

2023



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 22 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 18 of the 22 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served between December 27, 2022, and June 30, 2023, also received surveys that included 12 of the 22 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. 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 Roy Michael McKenney for groups other than jurors, and a total of 12 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Roy Michael McKenney: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 25.22

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	65.1% 84	25.6% 33	8.5% 11	0.8% 1	0.0% 0
2. The judge is courteous in the courtroom	77.5% 100	14.7% 19	6.2% 8	1.6% 2	0.0% 0
3. The judge is conscientious in the performance of judicial duties	86.4% 108	9.6% 12	3.2% 4	0.8% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	87.1% 108	9.7% 12	2.4% 3	0.8% 1	0.0% 0
5. The judge shows respect for all court participants	79.1% 102	10.9% 14	8.5% 11	1.6% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	85.7% 108	12.7% 16	1.6% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	90.6% 116	8.6% 11	0.0% 0	0.8% 1	0.0% 0
8. The judge exhibits fairness to all parties	81.3% 104	15.6% 20	2.3% 3	0.8% 1	0.0% 0
9. The judge treats all parties in an impartial manner	81.4% 105	14.0% 18	3.9% 5	0.8% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	86.0% 86	10.0% 10	3.0% 3	0.0% 0	1.0% 1
11. The judge maintains order in the courtroom	86.7% 111	12.5% 16	0.8% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	88.2% 112	10.2% 13	1.6% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	75.2% 88	18.8% 22	4.3% 5	1.7% 2	0.0% 0
14. The judge displays knowledge of the law	83.6% 97	12.1% 14	4.3% 5	0.0% 0	0.0% 0
15. The judge is faithful to the law	83.3% 95	11.4% 13	5.3% 6	0.0% 0	0.0% 0

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Roy Michael McKenney: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	83.6% 107	15.6% 20	0.8% 1	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	78.9% 101	19.5% 25	1.6% 2	0.0% 0	0.0% 0
18. The judge's decisions are clear	87.4% 111	9.5% 12	3.2% 4	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	84.0% 105	12.8% 16	2.4% 3	0.8% 1	0.0% 0
20. The judge uses courtroom time efficiently	78.1% 100	17.2% 22	4.7% 6	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	101 78.3%
	Good	20 15.5%
	Needs Improvement	6 4.7%
	Unsatisfactory	2 1.6%
In general, over the last three years, has the judge's overall court-related performance become...	Better	9 8.9%
	Worse	6 5.9%
	Stayed the Same	86 85.2%

PART B: Juror Evaluation of Roy Michael McKenney: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	66.7% 8	33.3% 4	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 12	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	100.0% 12	0.0% 0	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	91.7% 11	8.3% 1	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	90.9% 10	9.1% 1	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 11	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 12	0.0% 0	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	91.7% 11	8.3% 1	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	75.0% 9	16.7% 2	8.3% 1	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 11	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge uses courtroom time efficiently	75.0% 9	8.3% 1	8.3% 1	8.3% 1	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	10 83.3%
	Good	2 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 2017 – FY 2023**

The Honorable Roy Michael McKenney
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
2017	90	16	1
2018	67	13	0
2019	88	15	0
2020	62	16	0
2021	51	7	0
2022	80	10	0
2023*	46	7	0

*FY 2023 may not be complete for courts sending handwritten Guidelines or not using SWIFT.

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Ricardo Rigual

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

2023



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 22 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 18 of the 22 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served between December 27, 2022, and June 30, 2023, also received surveys that included 12 of the 22 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. Part A reflects the responses of all surveyed groups other than jurors. Part B reflects juror responses. Where a respondent selected the response “Not Applicable” or simply did not select any response for a particular performance factor, it is treated as a non-response to that factor. Accordingly, you may observe that the number of responses varies from factor to factor.

This report reflects a total of 153 completed surveys for Judge Ricardo Rigual for groups other than jurors, and a total of 22 completed juror surveys.

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

Statistics on Attorney Survey Respondents

Average Years in Practice: 20.14

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	74.3% 113	19.7% 30	5.3% 8	0.7% 1	0.0% 0
2. The judge is courteous in the courtroom	83.0% 127	13.7% 21	3.3% 5	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	85.5% 130	13.2% 20	1.3% 2	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	86.2% 131	11.8% 18	2.0% 3	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	84.9% 129	9.2% 14	5.9% 9	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	88.6% 124	8.6% 12	2.9% 4	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	88.8% 135	7.9% 12	3.3% 5	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	82.9% 126	9.2% 14	6.6% 10	1.3% 2	0.0% 0
9. The judge treats all parties in an impartial manner	82.8% 125	9.9% 15	6.0% 9	1.3% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	94.6% 104	4.6% 5	0.9% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	94.7% 143	5.3% 8	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	92.7% 139	5.3% 8	2.0% 3	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	75.2% 97	18.6% 24	5.4% 7	0.0% 0	0.8% 1
14. The judge displays knowledge of the law	80.2% 105	13.0% 17	4.6% 6	1.5% 2	0.8% 1
15. The judge is faithful to the law	77.1% 101	14.5% 19	6.1% 8	1.5% 2	0.8% 1

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

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	81.6% 124	15.8% 24	2.6% 4	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	83.3% 125	14.0% 21	2.0% 3	0.7% 1	0.0% 0
18. The judge's decisions are clear	82.9% 126	13.2% 20	3.3% 5	0.7% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	85.2% 127	8.1% 12	6.7% 10	0.0% 0	0.0% 0
20. The judge uses courtroom time efficiently	85.4% 129	9.9% 15	4.6% 7	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	127 84.1%
	Good	16 10.6%
	Needs Improvement	7 4.6%
	Unsatisfactory	1 0.7%
In general, over the last three years, has the judge's overall court-related performance become...	Better	26 22.4%
	Worse	1 0.9%
	Stayed the Same	89 76.7%

PART B: Juror Evaluation of Ricardo Rigual: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	100.0% 22	0.0% 0	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	100.0% 22	0.0% 0	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	95.5% 21	4.6% 1	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	100.0% 21	0.0% 0	0.0% 0	0.0% 0	0.0% 0
5. The judge is attentive to the proceedings	100.0% 22	0.0% 0	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	100.0% 22	0.0% 0	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	100.0% 22	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	90.9% 20	9.1% 2	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 22	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge uses courtroom time efficiently	95.5% 21	4.6% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	22 100.0%
	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 2017 – FY 2023**

The Honorable Ricardo Rigual
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
2017	244	81	0
2018	258	82	0
2019	211	64	0
2020	195	61	0
2021	238	70	0
2022	238	52	0
2023*	165	29	0

*FY 2023 may not be complete for courts sending handwritten Guidelines or not using SWIFT.

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable John Christopher Clemens

Judge of the Circuit Court
23rd 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

2023



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 22 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 18 of the 22 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served between December 27, 2022, and June 30, 2023, also received surveys that included 12 of the 22 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. 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 John Christopher Clemens for groups other than jurors, and a total of 6 completed juror surveys.

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

Statistics on Attorney Survey Respondents

Average Years in Practice: 23.11

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	75.4% 107	20.4% 29	2.1% 3	2.1% 3	0.0% 0
2. The judge is courteous in the courtroom	89.4% 127	8.5% 12	0.7% 1	1.4% 2	0.0% 0
3. The judge is conscientious in the performance of judicial duties	86.5% 122	12.1% 17	0.7% 1	0.7% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	85.0% 119	12.9% 18	1.4% 2	0.7% 1	0.0% 0
5. The judge shows respect for all court participants	88.7% 126	7.8% 11	2.1% 3	1.4% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	89.9% 125	8.6% 12	1.4% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	91.6% 130	7.0% 10	1.4% 2	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	88.0% 125	9.2% 13	2.1% 3	0.7% 1	0.0% 0
9. The judge treats all parties in an impartial manner	87.2% 123	10.6% 15	1.4% 2	0.7% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	87.7% 107	9.0% 11	3.3% 4	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	90.8% 128	9.2% 13	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	89.4% 126	9.2% 13	1.4% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	85.3% 110	12.4% 16	1.6% 2	0.8% 1	0.0% 0
14. The judge displays knowledge of the law	82.2% 106	14.7% 19	2.3% 3	0.8% 1	0.0% 0
15. The judge is faithful to the law	82.8% 106	14.1% 18	2.3% 3	0.8% 1	0.0% 0

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

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	90.1% 128	7.8% 11	2.1% 3	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	87.9% 123	12.1% 17	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	86.5% 122	12.8% 18	0.7% 1	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	88.7% 126	9.9% 14	0.7% 1	0.7% 1	0.0% 0
20. The judge uses courtroom time efficiently	88.7% 126	11.3% 16	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	120 86.3%
	Good	18 13.0%
	Needs Improvement	1 0.7%
	Unsatisfactory	0 0.0%
In general, over the last three years, has the judge's overall court-related performance become...	Better	17 14.8%
	Worse	0 0.0%
	Stayed the Same	98 85.2%

PART B: Juror Evaluation of John Christopher Clemens: Evaluation Summary

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

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	6 100.0%
	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 2017 – FY 2023**

The Honorable John Christopher Clemens
23rd 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
2017	244	48	2
2018	184	26	0
2019	210	43	0
2020	265	63	0
2021	160	36	0
2022	136	35	0
2023*	168	41	0

*FY 2023 may not be complete for courts sending handwritten Guidelines or not using SWIFT.

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable John T. Cook

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

2023



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 22 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 18 of the 22 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served between December 27, 2022, and June 30, 2023, also received surveys that included 12 of the 22 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. 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 117 completed surveys for Judge John T. Cook 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 John T. Cook: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 26.10

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	55.6% 65	35.0% 41	6.0% 7	2.6% 3	0.9% 1
2. The judge is courteous in the courtroom	70.9% 83	23.9% 28	5.1% 6	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	85.3% 99	14.7% 17	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	87.0% 100	13.0% 15	0.0% 0	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	75.2% 88	18.0% 21	6.8% 8	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	85.7% 96	13.4% 15	0.9% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	81.9% 95	12.9% 15	5.2% 6	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	80.2% 93	12.9% 15	6.9% 8	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	82.6% 95	9.6% 11	7.8% 9	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	94.2% 98	4.8% 5	1.0% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	94.0% 110	6.0% 7	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	92.2% 107	7.8% 9	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	69.9% 79	23.9% 27	5.3% 6	0.9% 1	0.0% 0
14. The judge displays knowledge of the law	87.6% 99	9.7% 11	2.7% 3	0.0% 0	0.0% 0
15. The judge is faithful to the law	83.2% 94	13.3% 15	3.5% 4	0.0% 0	0.0% 0

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

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	84.5% 98	12.1% 14	3.5% 4	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	88.9% 104	10.3% 12	0.9% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	83.8% 98	12.8% 15	3.4% 4	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	84.4% 97	7.8% 9	7.8% 9	0.0% 0	0.0% 0
20. The judge uses courtroom time efficiently	90.5% 105	9.5% 11	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	94 81.7%
	Good	13 11.3%
	Needs Improvement	7 6.1%
	Unsatisfactory	1 0.9%
In general, over the last three years, has the judge's overall court-related performance become...	Better	10 9.6%
	Worse	1 1.0%
	Stayed the Same	93 89.4%

PART B: Juror Evaluation of John T. Cook: Evaluation Summary

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	81.3% 26	15.6% 5	3.1% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	87.5% 28	12.5% 4	0.0% 0	0.0% 0	0.0% 0
3. The judge shows respect for all court participants	90.6% 29	9.4% 3	0.0% 0	0.0% 0	0.0% 0
4. The judge requires court participants to display respect toward one another	93.3% 28	3.3% 1	0.0% 0	0.0% 0	3.3% 1
5. The judge is attentive to the proceedings	93.8% 30	6.3% 2	0.0% 0	0.0% 0	0.0% 0
6. The judge exhibits fairness to all parties	96.9% 31	3.1% 1	0.0% 0	0.0% 0	0.0% 0
7. The judge treats all parties in an impartial manner	96.9% 31	3.1% 1	0.0% 0	0.0% 0	0.0% 0
8. The judge expects professional behavior of court participants	96.8% 30	3.2% 1	0.0% 0	0.0% 0	0.0% 0
9. The judge communicates effectively	96.8% 30	3.2% 1	0.0% 0	0.0% 0	0.0% 0
10. The judge performs judicial duties without bias or prejudice	100.0% 31	0.0% 0	0.0% 0	0.0% 0	0.0% 0
11. The judge uses courtroom time efficiently	96.9% 31	3.1% 1	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	30 96.8%
	Good	1 3.2%
	Needs Improvement	0 0.0%
	Unsatisfactory	0 0.0%



Virginia Criminal Sentencing Commission

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

ADDENDUM **JUDICIAL PERFORMANCE EVALUATION PROGRAM** **REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA** **FY 2017 – FY 2023**

The Honorable John T. Cook
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
2017	179	32	0
2018	162	26	0
2019	218	28	0
2020	156	23	0
2021	124	18	0
2022	121	21	0
2023*	97	11	0

*FY 2023 may not be complete for courts sending handwritten Guidelines or not using SWIFT.

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Robert M. D. Turk

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

2023



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 22 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 18 of the 22 factors. The surveys were distributed and completed electronically.

For judges in circuit courts, jurors who served between December 27, 2022, and June 30, 2023, also received surveys that included 12 of the 22 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. 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 Robert M. D. Turk for groups other than jurors, and a total of 18 completed juror surveys.

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Robert M. D. Turk: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 23.59

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	74.2% 112	20.5% 31	5.3% 8	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	86.9% 133	11.1% 17	2.0% 3	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	84.2% 128	12.5% 19	2.6% 4	0.7% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	81.6% 124	15.1% 23	2.6% 4	0.7% 1	0.0% 0
5. The judge shows respect for all court participants	86.8% 132	9.2% 14	4.0% 6	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	84.1% 127	15.2% 23	0.7% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	80.5% 124	16.9% 26	2.6% 4	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	80.5% 124	14.9% 23	3.3% 5	1.3% 2	0.0% 0
9. The judge treats all parties in an impartial manner	79.9% 123	14.9% 23	3.9% 6	1.3% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	79.2% 95	15.0% 18	3.3% 4	1.7% 2	0.8% 1
11. The judge maintains order in the courtroom	88.8% 135	11.2% 17	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	89.5% 136	9.2% 14	1.3% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	78.1% 100	14.1% 18	7.0% 9	0.0% 0	0.8% 1
14. The judge displays knowledge of the law	79.8% 103	17.1% 22	3.1% 4	0.0% 0	0.0% 0
15. The judge is faithful to the law	78.1% 100	15.6% 20	5.5% 7	0.8% 1	0.0% 0

**PART A: Attorney, Bailiff, Court Reporter and Courtroom Clerk
Evaluation of Judge Robert M. D. Turk: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	81.6% 124	17.1% 26	1.3% 2	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	81.5% 123	12.6% 19	5.3% 8	0.7% 1	0.0% 0
18. The judge's decisions are clear	77.9% 120	18.2% 28	3.9% 6	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	84.9% 129	9.9% 15	4.6% 7	0.0% 0	0.7% 1
20. The judge uses courtroom time efficiently	86.9% 133	11.8% 18	0.7% 1	0.7% 1	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	124 81.6%
	Good	22 14.5%
	Needs Improvement	5 3.3%
	Unsatisfactory	1 0.7%
In general, over the last three years, has the judge's overall court-related performance become...	Better	6 4.4%
	Worse	5 3.7%
	Stayed the Same	124 91.9%

PART B: Juror Evaluation of Robert M. D. Turk: Evaluation Summary

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

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	18 100.0%
	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 2017 – FY 2023**

The Honorable Robert M. D. Turk
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
2017	154	32	1
2018	108	18	0
2019	157	14	0
2020	175	18	1
2021	158	21	0
2022	184	40	1
2023*	147	16	0

*FY 2023 may not be complete for courts sending handwritten Guidelines or not using SWIFT.

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Michael R. Katchmark

Judge of the General 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 137 completed surveys for Judge Michael R. Katchmark.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Michael R. Katchmark: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 20.67

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	68.4% 93	24.3% 33	7.4% 10	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	74.3% 101	22.1% 30	2.9% 4	0.7% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	78.8% 108	18.3% 25	2.2% 3	0.7% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	80.3% 110	15.3% 21	3.7% 5	0.7% 1	0.0% 0
5. The judge shows respect for all court participants	78.1% 107	16.8% 23	4.4% 6	0.7% 1	0.0% 0
6. The judge requires court participants to display respect toward one another	72.4% 97	24.6% 33	3.0% 4	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	78.7% 107	19.1% 26	1.5% 2	0.7% 1	0.0% 0
8. The judge exhibits fairness to all parties	69.9% 95	22.1% 30	7.4% 10	0.7% 1	0.0% 0
9. The judge treats all parties in an impartial manner	70.8% 97	19.7% 27	8.0% 11	1.5% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	82.6% 90	16.5% 18	0.9% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	78.1% 107	19.0% 26	2.9% 4	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	78.7% 107	20.6% 28	0.7% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	69.6% 87	21.6% 27	8.8% 11	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	75.4% 95	17.5% 22	5.6% 7	1.6% 2	0.0% 0
15. The judge is faithful to the law	65.9% 83	23.8% 30	8.7% 11	1.6% 2	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Michael R. Katchmark: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	70.8% 97	22.6% 31	5.8% 8	0.7% 1	0.0% 0
17. The judge is prompt in rendering decisions	75.2% 103	19.7% 27	5.1% 7	0.0% 0	0.0% 0
18. The judge's decisions are clear	69.9% 95	25.7% 35	4.4% 6	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	73.7% 101	20.4% 28	5.1% 7	0.7% 1	0.0% 0
20. The judge uses courtroom time efficiently	66.4% 91	25.6% 35	5.8% 8	0.7% 1	1.5% 2

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	92 68.7%
	Good	35 26.1%
	Needs Improvement	5 3.7%
	Unsatisfactory	2 1.5%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	14 11.6%
	Worse	1 0.8%
	Stayed the Same	106 87.6%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Daniel Roger Lahne

Judge of the General District Court
2nd 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 129 completed surveys for Judge Daniel Roger Lahne.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Daniel Roger Lahne: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 21.68

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	33.3% 43	21.7% 28	20.9% 27	17.1% 22	7.0% 9
2. The judge is courteous in the courtroom	36.4% 47	22.5% 29	19.4% 25	15.5% 20	6.2% 8
3. The judge is conscientious in the performance of judicial duties	68.8% 86	14.4% 18	8.8% 11	6.4% 8	1.6% 2
4. The judge is diligent in the performance of judicial duties	70.4% 88	16.8% 21	8.8% 11	3.2% 4	0.8% 1
5. The judge shows respect for all court participants	45.7% 59	13.2% 17	18.6% 24	15.5% 20	7.0% 9
6. The judge requires court participants to display respect toward one another	71.0% 88	18.6% 23	5.7% 7	3.2% 4	1.6% 2
7. The judge is attentive to the proceedings	76.6% 98	15.6% 20	5.5% 7	2.3% 3	0.0% 0
8. The judge exhibits fairness to all parties	58.3% 74	15.8% 20	12.6% 16	11.0% 14	2.4% 3
9. The judge treats all parties in an impartial manner	59.4% 76	14.8% 19	11.7% 15	12.5% 16	1.6% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	81.3% 78	13.5% 13	4.2% 4	1.0% 1	0.0% 0
11. The judge maintains order in the courtroom	84.1% 106	11.9% 15	3.2% 4	0.8% 1	0.0% 0
12. The judge expects professional behavior of court participants	81.5% 101	9.7% 12	5.7% 7	2.4% 3	0.8% 1
13. The judge allows lawyers appropriate latitude in presentation of their case	48.8% 59	15.7% 19	19.8% 24	10.7% 13	5.0% 6
14. The judge displays knowledge of the law	60.8% 73	21.7% 26	14.2% 17	3.3% 4	0.0% 0
15. The judge is faithful to the law	61.0% 72	22.9% 27	14.4% 17	1.7% 2	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Daniel Roger Lahne: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	62.0% 80	16.3% 21	8.5% 11	11.6% 15	1.6% 2
17. The judge is prompt in rendering decisions	75.0% 96	18.0% 23	5.5% 7	1.6% 2	0.0% 0
18. The judge's decisions are clear	71.2% 89	16.8% 21	9.6% 12	1.6% 2	0.8% 1
19. The judge performs judicial duties without bias or prejudice	65.9% 83	14.3% 18	10.3% 13	7.9% 10	1.6% 2
20. The judge uses courtroom time efficiently	69.3% 88	17.3% 22	5.5% 7	5.5% 7	2.4% 3

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	61 48.8%
	Good	22 17.6%
	Needs Improvement	24 19.2%
	Unsatisfactory	18 14.4%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	5 4.3%
	Worse	15 12.9%
	Stayed the Same	96 82.8%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Roxie O. Holder

Judge of the General 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 82 completed surveys for Judge Roxie O. Holder.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Roxie O. Holder: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 24.53

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	50.0% 41	26.8% 22	18.3% 15	4.9% 4	0.0% 0
2. The judge is courteous in the courtroom	53.7% 44	19.5% 16	20.7% 17	6.1% 5	0.0% 0
3. The judge is conscientious in the performance of judicial duties	66.3% 53	21.3% 17	8.8% 7	3.8% 3	0.0% 0
4. The judge is diligent in the performance of judicial duties	62.5% 50	21.3% 17	10.0% 8	6.3% 5	0.0% 0
5. The judge shows respect for all court participants	52.4% 43	22.0% 18	17.1% 14	7.3% 6	1.2% 1
6. The judge requires court participants to display respect toward one another	70.4% 57	21.0% 17	8.6% 7	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	72.0% 59	20.7% 17	6.1% 5	1.2% 1	0.0% 0
8. The judge exhibits fairness to all parties	61.0% 50	18.3% 15	13.4% 11	6.1% 5	1.2% 1
9. The judge treats all parties in an impartial manner	63.4% 52	15.9% 13	13.4% 11	4.9% 4	2.4% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	81.8% 54	13.6% 9	4.6% 3	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	80.5% 66	15.9% 13	3.7% 3	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	81.5% 66	13.6% 11	4.9% 4	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	59.0% 46	15.4% 12	16.7% 13	6.4% 5	2.6% 2
14. The judge displays knowledge of the law	63.6% 49	18.2% 14	10.4% 8	6.5% 5	1.3% 1
15. The judge is faithful to the law	61.0% 47	16.9% 13	15.6% 12	5.2% 4	1.3% 1

**Attorney, Bailiff, and Court Reporter
Evaluation of Roxie O. Holder: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	63.0% 51	19.8% 16	8.6% 7	6.2% 5	2.5% 2
17. The judge is prompt in rendering decisions	74.4% 61	19.5% 16	6.1% 5	0.0% 0	0.0% 0
18. The judge's decisions are clear	70.4% 57	18.5% 15	6.2% 5	4.9% 4	0.0% 0
19. The judge performs judicial duties without bias or prejudice	63.8% 51	21.3% 17	6.3% 5	7.5% 6	1.3% 1
20. The judge uses courtroom time efficiently	63.0% 51	18.5% 15	2.5% 2	9.9% 8	6.2% 5

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	46 57.5%
	Good	20 25.0%
	Needs Improvement	8 10.0%
	Unsatisfactory	6 7.5%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	5 6.3%
	Worse	5 6.3%
	Stayed the Same	69 87.3%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Selena Stellute Glenn

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

2023



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 22 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 18 of the 22 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 12 of the 22 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 106 completed surveys for Judge Selena Stellute Glenn.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Selena Stellute Glenn: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 22.70

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	92.5% 98	6.6% 7	0.9% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	94.3% 100	5.7% 6	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	87.6% 92	11.4% 12	1.0% 1	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	90.5% 95	7.6% 8	1.9% 2	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	96.2% 101	2.9% 3	1.0% 1	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	90.4% 94	8.7% 9	1.0% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	90.6% 96	8.5% 9	0.9% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	86.8% 92	10.4% 11	2.8% 3	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	87.7% 93	9.4% 10	1.9% 2	0.9% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	93.3% 83	5.6% 5	1.1% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	85.9% 91	10.4% 11	3.8% 4	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	92.5% 98	5.7% 6	1.9% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	88.4% 91	10.7% 11	1.0% 1	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	75.5% 77	19.6% 20	2.9% 3	2.0% 2	0.0% 0
15. The judge is faithful to the law	79.6% 82	15.5% 16	2.9% 3	1.9% 2	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Selena Stellute Glenn: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	85.9% 91	11.3% 12	2.8% 3	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	91.4% 95	7.7% 8	1.0% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	88.5% 92	8.7% 9	2.9% 3	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	85.9% 91	12.3% 13	0.9% 1	0.9% 1	0.0% 0
20. The judge uses courtroom time efficiently	85.9% 91	12.3% 13	1.9% 2	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	84 80.8%
	Good	17 16.4%
	Needs Improvement	3 2.9%
	Unsatisfactory	0 0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	12 13.0%
	Worse	0 0.0%
	Stayed the Same	80 87.0%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Theresa W. Carter

Judge of the General District Court
16th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 94 completed surveys for Judge Theresa W. Carter.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Theresa W. Carter: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 24.76

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	87.2% 82	12.8% 12	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	92.6% 87	7.5% 7	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	89.4% 84	7.5% 7	2.1% 2	1.1% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	84.0% 79	13.8% 13	1.1% 1	0.0% 0	1.1% 1
5. The judge shows respect for all court participants	89.4% 84	9.6% 9	0.0% 0	0.0% 0	1.1% 1
6. The judge requires court participants to display respect toward one another	88.0% 81	10.9% 10	0.0% 0	0.0% 0	1.1% 1
7. The judge is attentive to the proceedings	91.5% 86	7.5% 7	0.0% 0	1.1% 1	0.0% 0
8. The judge exhibits fairness to all parties	85.0% 79	7.5% 7	5.4% 5	1.1% 1	1.1% 1
9. The judge treats all parties in an impartial manner	84.0% 79	8.5% 8	4.3% 4	2.1% 2	1.1% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	94.1% 64	1.5% 1	1.5% 1	2.9% 2	0.0% 0
11. The judge maintains order in the courtroom	85.0% 79	14.0% 13	0.0% 0	0.0% 0	1.1% 1
12. The judge expects professional behavior of court participants	86.0% 80	12.9% 12	0.0% 0	0.0% 0	1.1% 1
13. The judge allows lawyers appropriate latitude in presentation of their case	87.7% 71	9.9% 8	1.2% 1	1.2% 1	0.0% 0
14. The judge displays knowledge of the law	72.0% 59	19.5% 16	4.9% 4	2.4% 2	1.2% 1
15. The judge is faithful to the law	79.3% 65	12.2% 10	6.1% 5	1.2% 1	1.2% 1

**Attorney, Bailiff, and Court Reporter
Evaluation of Theresa W. Carter: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	83.0% 78	14.9% 14	1.1% 1	0.0% 0	1.1% 1
17. The judge is prompt in rendering decisions	90.4% 85	8.5% 8	0.0% 0	0.0% 0	1.1% 1
18. The judge's decisions are clear	85.1% 80	11.7% 11	2.1% 2	0.0% 0	1.1% 1
19. The judge performs judicial duties without bias or prejudice	87.1% 81	8.6% 8	3.2% 3	1.1% 1	0.0% 0
20. The judge uses courtroom time efficiently	78.7% 74	14.9% 14	4.3% 4	2.1% 2	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	77 81.9%
	Good	10 10.6%
	Needs Improvement	5 5.3%
	Unsatisfactory	2 2.1%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	14 17.5%
	Worse	1 1.3%
	Stayed the Same	65 81.3%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Sam Daniel Eggleston

Judge of the General District Court
24th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 125 completed surveys for Judge Sam Daniel Eggleston.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Sam Daniel Eggleston: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 22.16

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	72.0% 90	20.0% 25	6.4% 8	1.6% 2	0.0% 0
2. The judge is courteous in the courtroom	76.0% 95	16.0% 20	8.0% 10	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	80.8% 101	15.2% 19	3.2% 4	0.8% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	78.4% 98	16.8% 21	4.0% 5	0.8% 1	0.0% 0
5. The judge shows respect for all court participants	75.2% 94	18.4% 23	4.8% 6	1.6% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	72.7% 88	21.5% 26	2.5% 3	3.3% 4	0.0% 0
7. The judge is attentive to the proceedings	84.8% 106	11.2% 14	3.2% 4	0.8% 1	0.0% 0
8. The judge exhibits fairness to all parties	72.4% 89	17.1% 21	6.5% 8	3.3% 4	0.8% 1
9. The judge treats all parties in an impartial manner	72.4% 89	17.9% 22	6.5% 8	2.4% 3	0.8% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	85.1% 80	12.8% 12	1.1% 1	1.1% 1	0.0% 0
11. The judge maintains order in the courtroom	80.5% 99	16.3% 20	3.3% 4	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	79.3% 96	16.5% 20	2.5% 3	1.7% 2	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	73.9% 82	18.9% 21	5.4% 6	1.8% 2	0.0% 0
14. The judge displays knowledge of the law	73.2% 82	21.4% 24	2.7% 3	2.7% 3	0.0% 0
15. The judge is faithful to the law	69.6% 78	21.4% 24	7.1% 8	1.8% 2	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Sam Daniel Eggleston: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	78.9% 97	16.3% 20	4.1% 5	0.8% 1	0.0% 0
17. The judge is prompt in rendering decisions	81.5% 101	16.1% 20	2.4% 3	0.0% 0	0.0% 0
18. The judge's decisions are clear	74.8% 92	23.6% 29	0.8% 1	0.8% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	74.8% 92	17.9% 22	3.3% 4	3.3% 4	0.8% 1
20. The judge uses courtroom time efficiently	76.4% 94	18.7% 23	4.1% 5	0.8% 1	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	90 73.2%
	Good	24 19.5%
	Needs Improvement	5 4.1%
	Unsatisfactory	4 3.3%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	4 3.5%
	Worse	8 7.0%
	Stayed the Same	102 89.5%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable J. D. Bolt

Judge of the General District Court
27th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 69 completed surveys for Judge J. D. Bolt.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge J. D. Bolt: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 23.70

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	88.4% 61	10.1% 7	1.5% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	88.4% 61	11.6% 8	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	87.0% 60	10.1% 7	2.9% 2	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	81.2% 56	14.5% 10	4.4% 3	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	87.0% 60	10.1% 7	2.9% 2	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	85.3% 58	13.2% 9	1.5% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	86.8% 59	13.2% 9	0.0% 0	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	85.3% 58	10.3% 7	4.4% 3	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	85.3% 58	10.3% 7	4.4% 3	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	93.6% 58	6.5% 4	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	87.0% 60	11.6% 8	1.5% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	85.5% 59	14.5% 10	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	81.8% 54	16.7% 11	1.5% 1	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	84.9% 56	10.6% 7	4.6% 3	0.0% 0	0.0% 0
15. The judge is faithful to the law	86.4% 57	10.6% 7	3.0% 2	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of J. D. Bolt: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	79.7% 55	18.8% 13	1.5% 1	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	72.5% 50	15.9% 11	10.1% 7	1.5% 1	0.0% 0
18. The judge's decisions are clear	75.4% 52	17.4% 12	7.3% 5	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	89.9% 62	5.8% 4	1.5% 1	2.9% 2	0.0% 0
20. The judge uses courtroom time efficiently	46.4% 32	29.0% 20	17.4% 12	5.8% 4	1.5% 1

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	52 75.4%
	Good	14 20.3%
	Needs Improvement	2 2.9%
	Unsatisfactory	1 1.5%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	4 6.5%
	Worse	0 0.0%
	Stayed the Same	58 93.6%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Gerald Eugene Mabe, II

Judge of the General District Court
27th 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

2023



VCU

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The evaluation method was written surveys. For all judges, surveys were submitted by attorneys who had appeared before the judge within a specified time period: 12 months for district court judges and 3 years for circuit court judges. The survey instrument completed by attorneys contained 22 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 18 of the 22 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 12 of the 22 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 98 completed surveys for Judge Gerald Eugene Mabe, II.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Gerald Eugene Mabe, II: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 24.72

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	92.8% 90	7.2% 7	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	94.9% 92	5.2% 5	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	94.9% 92	4.1% 4	1.0% 1	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	93.8% 91	5.2% 5	1.0% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	96.9% 95	3.1% 3	0.0% 0	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	88.4% 84	10.5% 10	1.1% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	92.9% 91	7.1% 7	0.0% 0	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	91.8% 90	7.1% 7	1.0% 1	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	89.8% 88	8.2% 8	1.0% 1	1.0% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	88.6% 70	10.1% 8	1.3% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	88.7% 86	10.3% 10	1.0% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	88.7% 86	10.3% 10	1.0% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	89.5% 77	10.5% 9	0.0% 0	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	87.2% 75	10.5% 9	2.3% 2	0.0% 0	0.0% 0
15. The judge is faithful to the law	84.9% 73	14.0% 12	1.2% 1	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Gerald Eugene Mabe, II: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	90.8% 89	8.2% 8	1.0% 1	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	89.8% 88	10.2% 10	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	90.7% 88	7.2% 7	2.1% 2	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	91.8% 89	7.2% 7	1.0% 1	0.0% 0	0.0% 0
20. The judge uses courtroom time efficiently	86.5% 83	12.5% 12	1.0% 1	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	88 89.8%
	Good	9 9.2%
	Needs Improvement	1 1.0%
	Unsatisfactory	0 0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	17 18.3%
	Worse	0 0.0%
	Stayed the Same	76 81.7%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable William E. Jarvis

Judge of the General District Court
31st 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 125 completed surveys for Judge William E. Jarvis.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge William E. Jarvis: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 21.63

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	61.6% 77	25.6% 32	10.4% 13	2.4% 3	0.0% 0
2. The judge is courteous in the courtroom	70.4% 88	21.6% 27	6.4% 8	1.6% 2	0.0% 0
3. The judge is conscientious in the performance of judicial duties	86.3% 107	7.3% 9	4.8% 6	1.6% 2	0.0% 0
4. The judge is diligent in the performance of judicial duties	87.2% 109	7.2% 9	4.0% 5	0.8% 1	0.8% 1
5. The judge shows respect for all court participants	73.6% 92	18.4% 23	5.6% 7	2.4% 3	0.0% 0
6. The judge requires court participants to display respect toward one another	83.1% 98	12.7% 15	4.2% 5	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	88.8% 111	9.6% 12	0.8% 1	0.0% 0	0.8% 1
8. The judge exhibits fairness to all parties	77.6% 97	12.0% 15	8.8% 11	0.8% 1	0.8% 1
9. The judge treats all parties in an impartial manner	76.0% 95	15.2% 19	7.2% 9	0.0% 0	1.6% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	85.0% 85	8.0% 8	4.0% 4	2.0% 2	1.0% 1
11. The judge maintains order in the courtroom	93.6% 116	4.8% 6	1.6% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	90.1% 109	9.1% 11	0.0% 0	0.8% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	73.6% 89	16.5% 20	7.4% 9	2.5% 3	0.0% 0
14. The judge displays knowledge of the law	83.1% 103	10.5% 13	4.8% 6	0.0% 0	1.6% 2
15. The judge is faithful to the law	79.7% 98	11.4% 14	7.3% 9	0.0% 0	1.6% 2

**Attorney, Bailiff, and Court Reporter
Evaluation of William E. Jarvis: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	83.2% 104	12.8% 16	3.2% 4	0.8% 1	0.0% 0
17. The judge is prompt in rendering decisions	93.4% 113	5.8% 7	0.8% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	87.9% 109	9.7% 12	0.8% 1	1.6% 2	0.0% 0
19. The judge performs judicial duties without bias or prejudice	80.3% 98	10.7% 13	7.4% 9	0.0% 0	1.6% 2
20. The judge uses courtroom time efficiently	90.2% 111	7.3% 9	1.6% 2	0.8% 1	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	87 73.1%
	Good	23 19.3%
	Needs Improvement	5 4.2%
	Unsatisfactory	4 3.4%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	12 11.1%
	Worse	3 2.8%
	Stayed the Same	93 86.1%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Gordon S. Vincent

Judge of the General District Court
2A 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 56 completed surveys for Judge Gordon S. Vincent.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Gordon S. Vincent: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 23.58

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	80.4% 45	14.3% 8	5.4% 3	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	85.7% 48	8.9% 5	5.4% 3	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	83.6% 46	12.7% 7	3.6% 2	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	89.3% 50	8.9% 5	1.8% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	90.9% 50	5.5% 3	3.6% 2	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	85.5% 47	12.7% 7	1.8% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	91.1% 51	7.1% 4	1.8% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	80.0% 44	10.9% 6	9.1% 5	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	81.8% 45	12.7% 7	5.5% 3	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	84.4% 38	11.1% 5	4.4% 2	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	87.3% 48	10.9% 6	1.8% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	85.7% 48	12.5% 7	1.8% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	82.0% 41	14.0% 7	4.0% 2	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	84.0% 42	14.0% 7	2.0% 1	0.0% 0	0.0% 0
15. The judge is faithful to the law	82.0% 41	12.0% 6	6.0% 3	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Gordon S. Vincent: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	89.3% 50	8.9% 5	1.8% 1	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	91.1% 51	7.1% 4	1.8% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	91.1% 51	7.1% 4	1.8% 1	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	89.1% 49	7.3% 4	3.6% 2	0.0% 0	0.0% 0
20. The judge uses courtroom time efficiently	89.3% 50	8.9% 5	1.8% 1	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	43 76.8%
	Good	11 19.6%
	Needs Improvement	2 3.6%
	Unsatisfactory	0 0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	3 6.0%
	Worse	0 0.0%
	Stayed the Same	47 94.0%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable David J. Whitted

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

2023



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 22 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 18 of the 22 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 12 of the 22 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 125 completed surveys for Judge David J. Whitted.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge David J. Whitted: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 19.45

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	64.8% 81	22.4% 28	12.0% 15	0.8% 1	0.0% 0
2. The judge is courteous in the courtroom	71.2% 89	18.4% 23	9.6% 12	0.8% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	77.1% 94	16.4% 20	6.6% 8	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	74.8% 92	22.0% 27	3.3% 4	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	72.0% 90	16.8% 21	9.6% 12	1.6% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	77.6% 97	17.6% 22	4.8% 6	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	80.0% 100	16.8% 21	3.2% 4	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	72.0% 90	18.4% 23	9.6% 12	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	75.2% 94	16.0% 20	8.0% 10	0.8% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	83.2% 79	10.5% 10	4.2% 4	2.1% 2	0.0% 0
11. The judge maintains order in the courtroom	81.6% 102	18.4% 23	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	83.2% 104	13.6% 17	3.2% 4	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	72.2% 83	15.7% 18	11.3% 13	0.9% 1	0.0% 0
14. The judge displays knowledge of the law	70.2% 80	22.8% 26	5.3% 6	1.8% 2	0.0% 0
15. The judge is faithful to the law	69.6% 80	23.5% 27	6.1% 7	0.9% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of David J. Whitted: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	78.4% 98	14.4% 18	7.2% 9	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	79.8% 99	20.2% 25	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	81.5% 101	15.3% 19	3.2% 4	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	76.2% 93	15.6% 19	8.2% 10	0.0% 0	0.0% 0
20. The judge uses courtroom time efficiently	74.8% 92	22.8% 28	2.4% 3	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	85 68.6%
	Good	26 21.0%
	Needs Improvement	11 8.9%
	Unsatisfactory	2 1.6%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	10 8.9%
	Worse	1 0.9%
	Stayed the Same	101 90.2%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Diane P. Griffin

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

2023



VCU

I. Program Purpose and Use of this Report

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II. Evaluation Methodology

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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 12 of the 22 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 71 completed surveys for Judge Diane P. Griffin.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Diane P. Griffin: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 21.46

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	89.9% 62	10.1% 7	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	93.0% 66	7.0% 5	0.0% 0	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	94.2% 65	5.8% 4	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	94.2% 65	5.8% 4	0.0% 0	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	92.8% 64	7.3% 5	0.0% 0	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	92.7% 63	7.4% 5	0.0% 0	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	97.2% 69	2.8% 2	0.0% 0	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	94.3% 66	5.7% 4	0.0% 0	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	95.5% 64	4.5% 3	0.0% 0	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	94.9% 56	5.1% 3	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	91.2% 62	8.8% 6	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	92.8% 64	7.3% 5	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	90.9% 60	9.1% 6	0.0% 0	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	87.9% 58	12.1% 8	0.0% 0	0.0% 0	0.0% 0
15. The judge is faithful to the law	89.2% 58	7.7% 5	3.1% 2	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Diane P. Griffin: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	92.8% 64	7.3% 5	0.0% 0	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	94.2% 65	5.8% 4	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	92.7% 63	7.4% 5	0.0% 0	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	92.4% 61	7.6% 5	0.0% 0	0.0% 0	0.0% 0
20. The judge uses courtroom time efficiently	91.2% 62	7.4% 5	1.5% 1	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	62 91.2%
	Good	6 8.8%
	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	3 4.9%
	Worse	0 0.0%
	Stayed the Same	58 95.1%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Robert McLanahan Smith, III

Judge of the Juvenile and Domestic Relations District Court
4th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 106 completed surveys for Judge Robert McLanahan Smith, III.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Robert McLanahan Smith, III: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 22.00

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	56.6% 60	28.3% 30	13.2% 14	1.9% 2	0.0% 0
2. The judge is courteous in the courtroom	63.2% 67	25.5% 27	9.4% 10	0.9% 1	0.9% 1
3. The judge is conscientious in the performance of judicial duties	72.4% 76	17.1% 18	6.7% 7	2.9% 3	1.0% 1
4. The judge is diligent in the performance of judicial duties	72.1% 75	18.3% 19	7.7% 8	1.0% 1	1.0% 1
5. The judge shows respect for all court participants	64.2% 68	17.0% 18	12.3% 13	5.7% 6	0.9% 1
6. The judge requires court participants to display respect toward one another	80.2% 85	17.9% 19	1.9% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	75.5% 80	17.9% 19	6.6% 7	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	66.4% 69	19.2% 20	10.6% 11	3.9% 4	0.0% 0
9. The judge treats all parties in an impartial manner	63.8% 67	20.0% 21	9.5% 10	6.7% 7	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	70.1% 68	13.4% 13	8.3% 8	4.1% 4	4.1% 4
11. The judge maintains order in the courtroom	80.2% 85	17.9% 19	1.9% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	81.1% 86	14.2% 15	4.7% 5	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	71.4% 75	15.2% 16	8.6% 9	3.8% 4	1.0% 1
14. The judge displays knowledge of the law	72.4% 76	20.0% 21	6.7% 7	1.0% 1	0.0% 0
15. The judge is faithful to the law	68.0% 70	19.4% 20	11.7% 12	1.0% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Robert McLanahan Smith, III: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	76.4% 81	17.9% 19	2.8% 3	2.8% 3	0.0% 0
17. The judge is prompt in rendering decisions	87.4% 90	10.7% 11	1.9% 2	0.0% 0	0.0% 0
18. The judge's decisions are clear	81.9% 86	16.2% 17	1.9% 2	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	66.7% 70	21.0% 22	4.8% 5	4.8% 5	2.9% 3
20. The judge uses courtroom time efficiently	73.8% 76	21.4% 22	2.9% 3	1.0% 1	1.0% 1

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	66 63.5%
	Good	24 23.1%
	Needs Improvement	9 8.7%
	Unsatisfactory	5 4.8%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	7 7.5%
	Worse	2 2.1%
	Stayed the Same	85 90.4%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable J. David Rigler

Judge of the Juvenile and Domestic Relations 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 107 completed surveys for Judge J. David Rigler.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge J. David Rigler: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 22.29

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	44.3% 47	38.7% 41	15.1% 16	0.9% 1	0.9% 1
2. The judge is courteous in the courtroom	55.1% 59	31.8% 34	11.2% 12	1.9% 2	0.0% 0
3. The judge is conscientious in the performance of judicial duties	78.3% 83	17.0% 18	4.7% 5	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	80.0% 84	15.2% 16	4.8% 5	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	60.8% 65	29.0% 31	8.4% 9	1.9% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	79.8% 83	18.3% 19	1.9% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	87.9% 94	8.4% 9	2.8% 3	0.9% 1	0.0% 0
8. The judge exhibits fairness to all parties	69.8% 74	22.6% 24	6.6% 7	0.9% 1	0.0% 0
9. The judge treats all parties in an impartial manner	72.0% 77	20.6% 22	6.5% 7	0.9% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	85.1% 74	11.5% 10	2.3% 2	1.2% 1	0.0% 0
11. The judge maintains order in the courtroom	87.9% 94	10.3% 11	1.9% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	86.9% 93	10.3% 11	2.8% 3	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	67.9% 72	21.7% 23	9.4% 10	0.9% 1	0.0% 0
14. The judge displays knowledge of the law	78.3% 83	18.9% 20	1.9% 2	0.9% 1	0.0% 0
15. The judge is faithful to the law	76.2% 80	19.1% 20	2.9% 3	1.9% 2	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of J. David Rigler: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	74.8% 80	21.5% 23	2.8% 3	0.9% 1	0.0% 0
17. The judge is prompt in rendering decisions	86.7% 91	13.3% 14	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	82.1% 87	16.0% 17	1.9% 2	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	75.5% 80	18.9% 20	5.7% 6	0.0% 0	0.0% 0
20. The judge uses courtroom time efficiently	76.6% 82	19.6% 21	3.7% 4	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	71 68.9%
	Good	25 24.3%
	Needs Improvement	6 5.8%
	Unsatisfactory	1 1.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	24 25.8%
	Worse	0 0.0%
	Stayed the Same	69 74.2%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Ashley K. Tunner

Judge of the Juvenile and Domestic Relations District Court
13th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 86 completed surveys for Judge Ashley K. Tunner.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Ashley K. Tunner: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 21.39

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	46.5% 40	38.4% 33	14.0% 12	1.2% 1	0.0% 0
2. The judge is courteous in the courtroom	62.8% 54	24.4% 21	11.6% 10	1.2% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	72.1% 62	24.4% 21	3.5% 3	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	77.9% 67	17.4% 15	4.7% 4	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	65.1% 56	24.4% 21	8.1% 7	2.3% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	78.6% 66	19.1% 16	2.4% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	81.2% 69	15.3% 13	3.5% 3	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	73.3% 63	16.3% 14	9.3% 8	1.2% 1	0.0% 0
9. The judge treats all parties in an impartial manner	70.2% 59	19.1% 16	8.3% 7	2.4% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	91.4% 64	8.6% 6	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	83.5% 71	14.1% 12	2.4% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	84.9% 73	14.0% 12	1.2% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	62.4% 53	25.9% 22	7.1% 6	4.7% 4	0.0% 0
14. The judge displays knowledge of the law	72.9% 62	23.5% 20	3.5% 3	0.0% 0	0.0% 0
15. The judge is faithful to the law	66.7% 56	25.0% 21	8.3% 7	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Ashley K. Tunner: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	72.1% 62	24.4% 21	1.2% 1	1.2% 1	1.2% 1
17. The judge is prompt in rendering decisions	80.2% 69	18.6% 16	1.2% 1	0.0% 0	0.0% 0
18. The judge's decisions are clear	79.1% 68	20.9% 18	0.0% 0	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	70.4% 57	22.2% 18	4.9% 4	2.5% 2	0.0% 0
20. The judge uses courtroom time efficiently	69.1% 58	27.4% 23	3.6% 3	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	51 59.3%
	Good	27 31.4%
	Needs Improvement	7 8.1%
	Unsatisfactory	1 1.2%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	7 9.5%
	Worse	1 1.4%
	Stayed the Same	66 89.2%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Margaret W. Deglau

Judge of the Juvenile and Domestic Relations District Court
14th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 124 completed surveys for Judge Margaret W. Deglau.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Margaret W. Deglau: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 23.21

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	43.6% 54	37.1% 46	16.9% 21	2.4% 3	0.0% 0
2. The judge is courteous in the courtroom	56.1% 69	28.5% 35	13.8% 17	0.8% 1	0.8% 1
3. The judge is conscientious in the performance of judicial duties	73.4% 91	19.4% 24	6.5% 8	0.0% 0	0.8% 1
4. The judge is diligent in the performance of judicial duties	75.0% 93	18.6% 23	5.7% 7	0.0% 0	0.8% 1
5. The judge shows respect for all court participants	58.9% 73	24.2% 30	15.3% 19	1.6% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	78.1% 96	17.1% 21	4.9% 6	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	80.7% 100	15.3% 19	3.2% 4	0.0% 0	0.8% 1
8. The judge exhibits fairness to all parties	63.4% 78	21.1% 26	12.2% 15	2.4% 3	0.8% 1
9. The judge treats all parties in an impartial manner	67.2% 82	15.6% 19	13.1% 16	2.5% 3	1.6% 2
10. The judge avoids inappropriate <i>ex parte</i> communications	72.2% 78	16.7% 18	5.6% 6	4.6% 5	0.9% 1
11. The judge maintains order in the courtroom	85.5% 106	12.9% 16	1.6% 2	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	83.9% 104	13.7% 17	2.4% 3	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	62.1% 77	27.4% 34	7.3% 9	2.4% 3	0.8% 1
14. The judge displays knowledge of the law	75.8% 94	19.4% 24	4.0% 5	0.0% 0	0.8% 1
15. The judge is faithful to the law	69.4% 86	19.4% 24	9.7% 12	0.8% 1	0.8% 1

**Attorney, Bailiff, and Court Reporter
Evaluation of Margaret W. Deglau: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	73.4% 91	20.2% 25	5.7% 7	0.0% 0	0.8% 1
17. The judge is prompt in rendering decisions	82.1% 101	15.5% 19	2.4% 3	0.0% 0	0.0% 0
18. The judge's decisions are clear	81.3% 100	13.8% 17	4.1% 5	0.0% 0	0.8% 1
19. The judge performs judicial duties without bias or prejudice	63.9% 78	20.5% 25	13.1% 16	1.6% 2	0.8% 1
20. The judge uses courtroom time efficiently	61.5% 75	27.1% 33	7.4% 9	3.3% 4	0.8% 1

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	82 66.7%
	Good	30 24.4%
	Needs Improvement	8 6.5%
	Unsatisfactory	3 2.4%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	6 5.4%
	Worse	4 3.6%
	Stayed the Same	101 91.0%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Ronald L. Morris

Judge of the Juvenile and Domestic Relations District Court
16th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 56 completed surveys for Judge Ronald L. Morris.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Ronald L. Morris: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 21.31

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	76.8% 43	23.2% 13	0.0% 0	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	83.6% 46	14.6% 8	1.8% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	78.2% 43	16.4% 9	5.5% 3	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	69.6% 39	17.9% 10	8.9% 5	3.6% 2	0.0% 0
5. The judge shows respect for all court participants	83.6% 46	12.7% 7	3.6% 2	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	70.9% 39	27.3% 15	1.8% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	80.4% 45	16.1% 9	3.6% 2	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	76.8% 43	12.5% 7	10.7% 6	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	78.6% 44	10.7% 6	10.7% 6	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	87.2% 41	12.8% 6	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	73.2% 41	21.4% 12	5.4% 3	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	76.8% 43	19.6% 11	3.6% 2	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	73.1% 38	19.2% 10	7.7% 4	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	76.9% 40	15.4% 8	5.8% 3	1.9% 1	0.0% 0
15. The judge is faithful to the law	75.0% 39	19.2% 10	3.9% 2	1.9% 1	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Ronald L. Morris: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	57.1% 32	23.2% 13	14.3% 8	5.4% 3	0.0% 0
17. The judge is prompt in rendering decisions	48.2% 27	26.8% 15	19.6% 11	5.4% 3	0.0% 0
18. The judge's decisions are clear	60.7% 34	21.4% 12	16.1% 9	1.8% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	74.1% 40	20.4% 11	3.7% 2	1.9% 1	0.0% 0
20. The judge uses courtroom time efficiently	28.6% 16	25.0% 14	25.0% 14	17.9% 10	3.6% 2

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	36 66.7%
	Good	8 14.8%
	Needs Improvement	9 16.7%
	Unsatisfactory	1 1.9%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	11 22.0%
	Worse	2 4.0%
	Stayed the Same	37 74.0%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Brian H. Turpin

Judge of the Juvenile and Domestic Relations District Court
22nd 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 Brian H. Turpin.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Brian H. Turpin: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 22.50

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	75.4% 46	23.0% 14	1.6% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	90.2% 55	8.2% 5	1.6% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	95.0% 57	5.0% 3	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	95.1% 58	4.9% 3	0.0% 0	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	90.2% 55	8.2% 5	1.6% 1	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	91.8% 56	6.6% 4	1.6% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	90.2% 55	9.8% 6	0.0% 0	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	90.2% 55	8.2% 5	1.6% 1	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	91.8% 56	6.6% 4	1.6% 1	0.0% 0	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	92.6% 50	5.6% 3	1.9% 1	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	98.4% 60	1.6% 1	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	96.7% 59	3.3% 2	0.0% 0	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	87.5% 49	10.7% 6	1.8% 1	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	91.1% 51	8.9% 5	0.0% 0	0.0% 0	0.0% 0
15. The judge is faithful to the law	91.1% 51	7.1% 4	1.8% 1	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Brian H. Turpin: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	93.4% 57	6.6% 4	0.0% 0	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	95.1% 58	4.9% 3	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	86.9% 53	13.1% 8	0.0% 0	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	93.2% 55	5.1% 3	1.7% 1	0.0% 0	0.0% 0
20. The judge uses courtroom time efficiently	86.9% 53	11.5% 7	1.6% 1	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	58 95.1%
	Good	2 3.3%
	Needs Improvement	1 1.6%
	Unsatisfactory	0 0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	3 5.2%
	Worse	0 0.0%
	Stayed the Same	55 94.8%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Brooke Taylor Willse Gaddy

Judge of the Juvenile and Domestic Relations District Court
24th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 Brooke Taylor Willse Gaddy.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Brooke Taylor Willse Gaddy: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 22.15

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	71.9% 46	26.6% 17	1.6% 1	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	84.6% 55	13.9% 9	1.5% 1	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	86.2% 56	13.9% 9	0.0% 0	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	85.9% 55	12.5% 8	1.6% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	84.6% 55	9.2% 6	6.2% 4	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	84.4% 54	12.5% 8	3.1% 2	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	92.3% 60	6.2% 4	1.5% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	76.9% 50	16.9% 11	6.2% 4	0.0% 0	0.0% 0
9. The judge treats all parties in an impartial manner	75.4% 49	18.5% 12	4.6% 3	1.5% 1	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	90.2% 46	9.8% 5	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	92.3% 60	6.2% 4	1.5% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	89.2% 58	9.2% 6	1.5% 1	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	78.6% 44	16.1% 9	5.4% 3	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	75.0% 42	17.9% 10	5.4% 3	1.8% 1	0.0% 0
15. The judge is faithful to the law	76.8% 43	19.6% 11	3.6% 2	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Brooke Taylor Willse Gaddy: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	87.5% 56	7.8% 5	3.1% 2	1.6% 1	0.0% 0
17. The judge is prompt in rendering decisions	92.1% 58	7.9% 5	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	89.2% 58	7.7% 5	3.1% 2	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	76.9% 50	16.9% 11	4.6% 3	1.5% 1	0.0% 0
20. The judge uses courtroom time efficiently	84.4% 54	15.6% 10	0.0% 0	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	48 77.4%
	Good	11 17.7%
	Needs Improvement	3 4.8%
	Unsatisfactory	0 0.0%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	5 8.5%
	Worse	0 0.0%
	Stayed the Same	54 91.5%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable H. Cary Payne

Judge of the Juvenile and Domestic Relations District Court
24th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 58 completed surveys for Judge H. Cary Payne.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge H. Cary Payne: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 20.48

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	70.7% 41	20.7% 12	8.6% 5	0.0% 0	0.0% 0
2. The judge is courteous in the courtroom	77.6% 45	12.1% 7	10.3% 6	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	84.5% 49	12.1% 7	3.5% 2	0.0% 0	0.0% 0
4. The judge is diligent in the performance of judicial duties	82.5% 47	15.8% 9	1.8% 1	0.0% 0	0.0% 0
5. The judge shows respect for all court participants	84.2% 48	7.0% 4	8.8% 5	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	86.2% 50	12.1% 7	1.7% 1	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	93.1% 54	5.2% 3	1.7% 1	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	77.2% 44	14.0% 8	7.0% 4	0.0% 0	1.8% 1
9. The judge treats all parties in an impartial manner	75.4% 43	15.8% 9	7.0% 4	0.0% 0	1.8% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	82.0% 41	12.0% 6	4.0% 2	2.0% 1	0.0% 0
11. The judge maintains order in the courtroom	89.7% 52	8.6% 5	1.7% 1	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	79.3% 46	13.8% 8	5.2% 3	1.7% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	76.4% 42	14.6% 8	9.1% 5	0.0% 0	0.0% 0
14. The judge displays knowledge of the law	79.6% 43	13.0% 7	7.4% 4	0.0% 0	0.0% 0
15. The judge is faithful to the law	70.4% 38	18.5% 10	11.1% 6	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of H. Cary Payne: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	81.0% 47	13.8% 8	5.2% 3	0.0% 0	0.0% 0
17. The judge is prompt in rendering decisions	84.5% 49	10.3% 6	5.2% 3	0.0% 0	0.0% 0
18. The judge's decisions are clear	75.9% 44	17.2% 10	6.9% 4	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	78.6% 44	16.1% 9	3.6% 2	0.0% 0	1.8% 1
20. The judge uses courtroom time efficiently	82.8% 48	15.5% 9	1.7% 1	0.0% 0	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	45 77.6%
	Good	9 15.5%
	Needs Improvement	3 5.2%
	Unsatisfactory	1 1.7%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	6 10.9%
	Worse	3 5.5%
	Stayed the Same	46 83.6%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Monica D. Cox

Judge of the Juvenile and Domestic Relations District Court
27th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 53 completed surveys for Judge Monica D. Cox.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Monica D. Cox: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 24.51

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	39.6% 21	26.4% 14	32.1% 17	1.9% 1	0.0% 0
2. The judge is courteous in the courtroom	43.4% 23	34.0% 18	22.6% 12	0.0% 0	0.0% 0
3. The judge is conscientious in the performance of judicial duties	52.8% 28	32.1% 17	11.3% 6	3.8% 2	0.0% 0
4. The judge is diligent in the performance of judicial duties	56.6% 30	34.0% 18	7.6% 4	1.9% 1	0.0% 0
5. The judge shows respect for all court participants	46.2% 24	26.9% 14	26.9% 14	0.0% 0	0.0% 0
6. The judge requires court participants to display respect toward one another	60.8% 31	27.5% 14	9.8% 5	2.0% 1	0.0% 0
7. The judge is attentive to the proceedings	66.0% 35	28.3% 15	5.7% 3	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	49.0% 25	27.5% 14	21.6% 11	0.0% 0	2.0% 1
9. The judge treats all parties in an impartial manner	53.9% 28	13.5% 7	28.9% 15	3.9% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	57.5% 23	20.0% 8	15.0% 6	2.5% 1	5.0% 2
11. The judge maintains order in the courtroom	64.2% 34	28.3% 15	7.6% 4	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	66.0% 35	24.5% 13	9.4% 5	0.0% 0	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	41.3% 19	37.0% 17	15.2% 7	6.5% 3	0.0% 0
14. The judge displays knowledge of the law	45.7% 21	43.5% 20	4.4% 2	4.4% 2	2.2% 1
15. The judge is faithful to the law	43.5% 20	41.3% 19	10.9% 5	2.2% 1	2.2% 1

**Attorney, Bailiff, and Court Reporter
Evaluation of Monica D. Cox: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	50.0% 26	40.4% 21	7.7% 4	1.9% 1	0.0% 0
17. The judge is prompt in rendering decisions	60.8% 31	31.4% 16	5.9% 3	2.0% 1	0.0% 0
18. The judge's decisions are clear	58.5% 31	30.2% 16	9.4% 5	1.9% 1	0.0% 0
19. The judge performs judicial duties without bias or prejudice	52.9% 27	23.5% 12	19.6% 10	2.0% 1	2.0% 1
20. The judge uses courtroom time efficiently	52.8% 28	34.0% 18	7.6% 4	5.7% 3	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	25 49.0%
	Good	16 31.4%
	Needs Improvement	8 15.7%
	Unsatisfactory	2 3.9%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	9 19.2%
	Worse	2 4.3%
	Stayed the Same	36 76.6%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Howard Lee Chitwood

Judge of the Juvenile and Domestic Relations District Court
27th 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

2023



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 22 performance-based factors drawn from the Canons of Judicial Conduct for the Commonwealth of Virginia. Attorney surveys were distributed and completed electronically.

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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 12 of the 22 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 70 completed surveys for Judge Howard Lee Chitwood.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Howard Lee Chitwood: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 22.86

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	72.9% 51	15.7% 11	10.0% 7	1.4% 1	0.0% 0
2. The judge is courteous in the courtroom	80.0% 56	14.3% 10	4.3% 3	1.4% 1	0.0% 0
3. The judge is conscientious in the performance of judicial duties	89.9% 62	5.8% 4	1.5% 1	2.9% 2	0.0% 0
4. The judge is diligent in the performance of judicial duties	87.1% 61	11.4% 8	0.0% 0	1.4% 1	0.0% 0
5. The judge shows respect for all court participants	80.0% 56	14.3% 10	2.9% 2	2.9% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	82.4% 56	13.2% 9	4.4% 3	0.0% 0	0.0% 0
7. The judge is attentive to the proceedings	88.6% 62	8.6% 6	2.9% 2	0.0% 0	0.0% 0
8. The judge exhibits fairness to all parties	77.1% 54	12.9% 9	5.7% 4	4.3% 3	0.0% 0
9. The judge treats all parties in an impartial manner	75.7% 53	12.9% 9	8.6% 6	2.9% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	93.6% 58	6.5% 4	0.0% 0	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	94.2% 65	5.8% 4	0.0% 0	0.0% 0	0.0% 0
12. The judge expects professional behavior of court participants	88.6% 62	8.6% 6	1.4% 1	1.4% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	72.3% 47	18.5% 12	6.2% 4	3.1% 2	0.0% 0
14. The judge displays knowledge of the law	82.8% 53	10.9% 7	4.7% 3	1.6% 1	0.0% 0
15. The judge is faithful to the law	78.1% 50	14.1% 9	3.1% 2	4.7% 3	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Howard Lee Chitwood: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	82.9% 58	11.4% 8	4.3% 3	1.4% 1	0.0% 0
17. The judge is prompt in rendering decisions	92.9% 65	7.1% 5	0.0% 0	0.0% 0	0.0% 0
18. The judge's decisions are clear	84.3% 59	12.9% 9	2.9% 2	0.0% 0	0.0% 0
19. The judge performs judicial duties without bias or prejudice	80.6% 54	10.5% 7	6.0% 4	1.5% 1	1.5% 1
20. The judge uses courtroom time efficiently	84.3% 59	14.3% 10	0.0% 0	1.4% 1	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	54 77.1%
	Good	10 14.3%
	Needs Improvement	4 5.7%
	Unsatisfactory	2 2.9%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	7 10.9%
	Worse	4 6.3%
	Stayed the Same	53 82.8%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Richard S. Buddington, Jr.

Judge of the Juvenile and Domestic Relations District Court
28th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 53 completed surveys for Judge Richard S. Buddington, Jr.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Richard S. Buddington, Jr.: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 22.83

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	64.2% 34	30.2% 16	3.8% 2	1.9% 1	0.0% 0
2. The judge is courteous in the courtroom	69.8% 37	22.6% 12	5.7% 3	0.0% 0	1.9% 1
3. The judge is conscientious in the performance of judicial duties	71.7% 38	18.9% 10	7.6% 4	1.9% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	69.2% 36	19.2% 10	9.6% 5	0.0% 0	1.9% 1
5. The judge shows respect for all court participants	71.7% 38	17.0% 9	7.6% 4	3.8% 2	0.0% 0
6. The judge requires court participants to display respect toward one another	65.4% 34	26.9% 14	3.9% 2	0.0% 0	3.9% 2
7. The judge is attentive to the proceedings	71.7% 38	20.8% 11	5.7% 3	1.9% 1	0.0% 0
8. The judge exhibits fairness to all parties	69.8% 37	24.5% 13	1.9% 1	1.9% 1	1.9% 1
9. The judge treats all parties in an impartial manner	67.9% 36	26.4% 14	1.9% 1	3.8% 2	0.0% 0
10. The judge avoids inappropriate <i>ex parte</i> communications	78.6% 33	19.1% 8	0.0% 0	0.0% 0	2.4% 1
11. The judge maintains order in the courtroom	71.2% 37	25.0% 13	1.9% 1	1.9% 1	0.0% 0
12. The judge expects professional behavior of court participants	69.2% 36	21.2% 11	5.8% 3	0.0% 0	3.9% 2
13. The judge allows lawyers appropriate latitude in presentation of their case	57.5% 27	29.8% 14	10.6% 5	2.1% 1	0.0% 0
14. The judge displays knowledge of the law	56.5% 26	30.4% 14	8.7% 4	2.2% 1	2.2% 1
15. The judge is faithful to the law	56.5% 26	28.3% 13	10.9% 5	2.2% 1	2.2% 1

**Attorney, Bailiff, and Court Reporter
Evaluation of Richard S. Buddington, Jr.: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	67.9% 36	28.3% 15	0.0% 0	3.8% 2	0.0% 0
17. The judge is prompt in rendering decisions	73.6% 39	22.6% 12	1.9% 1	1.9% 1	0.0% 0
18. The judge's decisions are clear	71.7% 38	22.6% 12	3.8% 2	0.0% 0	1.9% 1
19. The judge performs judicial duties without bias or prejudice	71.2% 37	23.1% 12	1.9% 1	1.9% 1	1.9% 1
20. The judge uses courtroom time efficiently	61.5% 32	32.7% 17	1.9% 1	1.9% 1	1.9% 1

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	34 66.7%
	Good	13 25.5%
	Needs Improvement	2 3.9%
	Unsatisfactory	2 3.9%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	12 24.5%
	Worse	5 10.2%
	Stayed the Same	32 65.3%

JUDICIAL PERFORMANCE EVALUATION PROGRAM

REPORT TO THE GENERAL ASSEMBLY OF VIRGINIA

Evaluation of:

The Honorable Marcus F. McClung

Judge of the Juvenile and Domestic Relations District Court
30th 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

2023



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 22 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 18 of the 22 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 12 of the 22 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 58 completed surveys for Judge Marcus F. McClung.

**Attorney, Bailiff, and Court Reporter
Evaluation of Judge Marcus F. McClung: Evaluation Summary**

Statistics on Attorney Survey Respondents

Average Years in Practice: 20.38

Average Number of Appearances before Judge: 6 to 10

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
1. The judge displays patience in the courtroom	58.6% 34	22.4% 13	15.5% 9	1.7% 1	1.7% 1
2. The judge is courteous in the courtroom	63.8% 37	20.7% 12	8.6% 5	6.9% 4	0.0% 0
3. The judge is conscientious in the performance of judicial duties	69.0% 40	19.0% 11	10.3% 6	1.7% 1	0.0% 0
4. The judge is diligent in the performance of judicial duties	72.4% 42	15.5% 9	8.6% 5	3.5% 2	0.0% 0
5. The judge shows respect for all court participants	67.2% 39	17.2% 10	10.3% 6	3.5% 2	1.7% 1
6. The judge requires court participants to display respect toward one another	65.5% 38	22.4% 13	8.6% 5	3.5% 2	0.0% 0
7. The judge is attentive to the proceedings	75.9% 44	13.8% 8	6.9% 4	3.5% 2	0.0% 0
8. The judge exhibits fairness to all parties	65.5% 38	15.5% 9	10.3% 6	6.9% 4	1.7% 1
9. The judge treats all parties in an impartial manner	63.8% 37	17.2% 10	12.1% 7	5.2% 3	1.7% 1
10. The judge avoids inappropriate <i>ex parte</i> communications	69.6% 32	23.9% 11	6.5% 3	0.0% 0	0.0% 0
11. The judge maintains order in the courtroom	80.7% 46	12.3% 7	3.5% 2	3.5% 2	0.0% 0
12. The judge expects professional behavior of court participants	70.7% 41	17.2% 10	10.3% 6	1.7% 1	0.0% 0
13. The judge allows lawyers appropriate latitude in presentation of their case	64.0% 32	20.0% 10	10.0% 5	6.0% 3	0.0% 0
14. The judge displays knowledge of the law	64.0% 32	22.0% 11	10.0% 5	4.0% 2	0.0% 0
15. The judge is faithful to the law	59.2% 29	26.5% 13	14.3% 7	0.0% 0	0.0% 0

**Attorney, Bailiff, and Court Reporter
Evaluation of Marcus F. McClung: Evaluation Summary**

Performance Factor	Every Time	Frequently	Some of the Time	Rarely	Never
16. The judge communicates effectively	67.2% 39	19.0% 11	8.6% 5	5.2% 3	0.0% 0
17. The judge is prompt in rendering decisions	75.9% 44	15.5% 9	8.6% 5	0.0% 0	0.0% 0
18. The judge's decisions are clear	69.0% 40	17.2% 10	10.3% 6	3.5% 2	0.0% 0
19. The judge performs judicial duties without bias or prejudice	65.5% 38	19.0% 11	12.1% 7	3.5% 2	0.0% 0
20. The judge uses courtroom time efficiently	72.4% 42	15.5% 9	8.6% 5	3.5% 2	0.0% 0

Performance Factor	Survey Responses	
	Number	Percent
Judge's overall performance	Excellent	36 62.1%
	Good	14 24.1%
	Needs Improvement	7 12.1%
	Unsatisfactory	1 1.7%
In general, over the last twelve months, has the judge's overall court-related performance become...	Better	10 17.9%
	Worse	2 3.6%
	Stayed the Same	44 78.6%