

SUPREME COURT OF VIRGINIA

EXECUTIVE SECRETARY
KARL R. HADE

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December 15, 2023

The Honorable John S. Edwards
Co-Chair, Judiciary Committee
Senate of Virginia
P.O. Box 1179
Roanoke, Virginia 24006-1179

The Honorable R. Creigh Deeds
Co-Chair, Judiciary Committee
Senate of Virginia
P.O. Box 5462
Charlottesville, Virginia 22905-5462

The Honorable Terry G. Kilgore
Chair, Courts of Justice Committee
Virginia House of Delegates
P.O. Box 669
Gate City, Virginia 24251

Dear Chairs Edwards, Deeds, and Kilgore:

Virginia Code §17.1-106 requires the Office of the Executive Secretary (OES) to distribute evaluation forms for retired recalled circuit court judges during the final year of the three-year period following their qualification by the Senate Committee on the Judiciary and the House Committee for Courts of Justice. In addition, Item 42, Paragraph P of the 2023 Appropriation Act, Chapter 1, Special Session I requires the Office of the Executive Secretary to collect information regarding the numbers and types of cases referred to retired circuit court judges. This letter serves to report the results of these activities to the Senate Committee on the Judiciary and the House Committee for Courts of Justice. This process is not part of the Judicial Performance Evaluation (JPE) Program, which is established in Virginia Code § 17.1-100 and the Rules of the Supreme Court of Virginia.

On October 2, 2023, OES distributed a survey to evaluate a group of eight retired recalled judges in their final year of the three-year period following their qualification, and to collect information about the number and types of cases referred to retired circuit court judges. This survey was designed in Survey Monkey, an online survey tool. A survey announcement was sent via email to all active members of the Virginia State Bar (VSB). Lawyers who appeared before or observed any retired circuit court judge in the past 12 months were asked to complete the anonymous survey using the survey link provided in the email. Lawyers who were ineligible (i.e., had not appeared before or observed a retired judge in the past 12 months) were to disregard the survey. A follow-up survey announcement was sent to all active members of the VSB on October 16. The survey closed on October 31.

The survey to evaluate retired recalled judges in the final year of their qualification measured the frequency (i.e., rarely/never, about half the time, frequently/always) of various attributes of the judges observed over a twelve-month period, including timeliness, respect, attentiveness, communication, and knowledgeability. Upon completion of the survey, lawyers certified that they had not completed more than one survey response for a particular judge and that the responses were based on their personal experience with the judge. Also included on the survey was a question asking the case type(s) in which the attorney appeared before or observed the retired recalled judge. Lawyers who responded that they had not appeared before one of the eight listed retired circuit judges but had appeared before any retired circuit judge during the past 12 months also answered this question.

In total, 2,702 respondents completed the survey - 561 respondents for the eight retired recalled judges being evaluated and 2,141 respondents who appeared before or observed any retired judge. Thirty-nine (7%) of the 561 respondents for the specific retired recalled judges had appeared before or observed a particular judge more than 5 times. Overall, "frequently/always" was entered for 83%-93% of responses across all the evaluation questions. The results indicate that the eight retired recalled circuit court judges are convening court without undue delay, using courtroom time efficiently, and are prompt in rendering clear decisions frequently or always. Across all evaluation areas, the eight judges exhibited the assessed characteristics "rarely/never" in less than 2% of responses. Individual survey results for each retired recalled judge are attached in alphabetical order by last name.

Of survey responses noting the case type(s) in which the attorney appeared before or observed a retired circuit court judge, results indicate that 62% (1,506/2,428) of the cases were civil in nature. Civil case types included on the survey were domestic relations, tort, contract, and other civil. Criminal case type was a stand-alone selection and counted for 38% (922/2,428) of the cases in which the survey respondents appeared before or observed retired judges. A report detailing case type responses is also attached.

Statistically, case filings and types are not tracked for retired judges. Retired judges served for 3,057 days over the 12-month period, September 1, 2022-August 31, 2023.

If you have any questions regarding this report, please do not hesitate to contact me.

With best wishes, I am

Very truly yours,



Karl R. Hade

KRH:jrs
Attachments

cc:

The Honorable Richard L. Saslaw
The Honorable Thomas K. Norment, Jr.
The Honorable L. Louise Lucas
The Honorable Mark D. Obenshain
The Honorable Ryan T. McDougale
The Honorable Richard H. Stuart
The Honorable William M. Stanley, Jr.
The Honorable J. Chapman Petersen
The Honorable Scott A. Surovell
The Honorable Jennifer B. Boysko
The Honorable Joseph D. Morrissey
The Honorable Mark J. Peake
The Honorable James A. Leftwich Jr.
The Honorable Margaret B. Ransone
The Honorable Nicholas J. Freitas
The Honorable Jason S. Ballard
The Honorable Wren M. Williams
The Honorable Jeffrey L. Campbell
The Honorable Vivian E. Watts
The Honorable Charniele L. Herring
The Honorable Patrick A. Hope
The Honorable Jeffrey M. Bourne
The Honorable Marcus B. Simon
The Honorable Richard C. Sullivan Jr.
The Honorable Karrie K. Delaney
The Honorable Don L. Scott Jr.
The Honorable Michelle Lopes Maldonado
Division of Legislative Automated Systems

2023 Retired Recalled Circuit Court Judge Evaluation Results

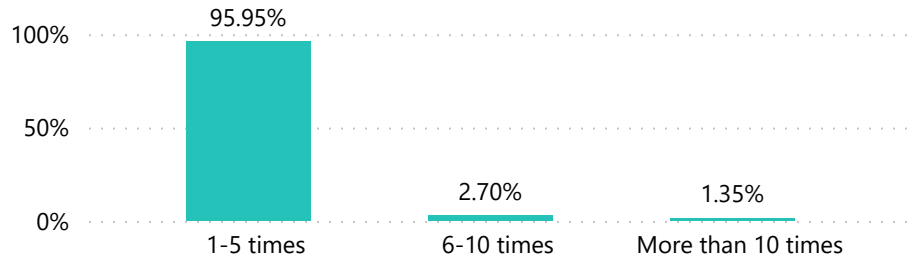
Evaluation of
The Honorable

William S. Moore, Jr.

William S. Moore, Jr. ▼

Times appearing before or observing this judge:

74
Respondents



Types of cases in which respondents appeared before or observed this judge:

32

Criminal

17

Domestic Relations

8

Tort

4

Contract

18

Other Civil

Rate this judge's performance:

● 1-Rarely/Never ● 2-About Half the Time ● 3-Frequently/Always ● N/A-Don't Know/Not Applicable

The judge uses courtroom time efficiently:



The judge is patient:



The judge shows respect for all court participants:



The judge is attentive to the proceedings:



The judge is prompt in rendering decisions:



The judge displays knowledge of the law:



The judge exhibits fairness to all parties:



The judge communicates effectively:



The judge is faithful to the law:



The judge's decisions are clear:



2023 Retired Recalled Circuit Court Judge Evaluation Results

Evaluation of
The Honorable

Michael McGinty

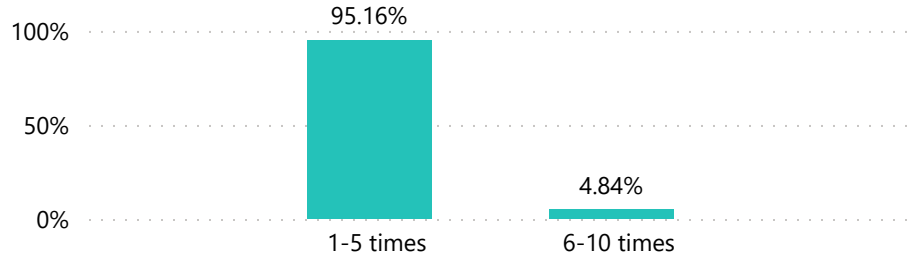
Michael McGinty



Times appearing before or observing this judge:

62

Respondents



Types of cases in which respondents appeared before or observed this judge:

33

Criminal

12

Domestic Relations

3

Tort

3

Contract

19

Other Civil

Rate this judge's performance:

● 1-Rarely/Never ● 2-About Half the Time ● 3-Frequently/Always ● N/A-Don't Know/Not Applicable

The judge uses courtroom time efficiently:

95.2%

The judge is patient:

98.4%

The judge shows respect for all court participants:

100.0%

The judge is attentive to the proceedings:

100.0%

The judge is prompt in rendering decisions:

98.4%

The judge displays knowledge of the law:

100.0%

The judge exhibits fairness to all parties:

100.0%

The judge communicates effectively:

98.4%

The judge is faithful to the law:

98.4%

The judge's decisions are clear:

100.0%

2023 Retired Recalled Circuit Court Judge Evaluation Results

Evaluation of
The Honorable

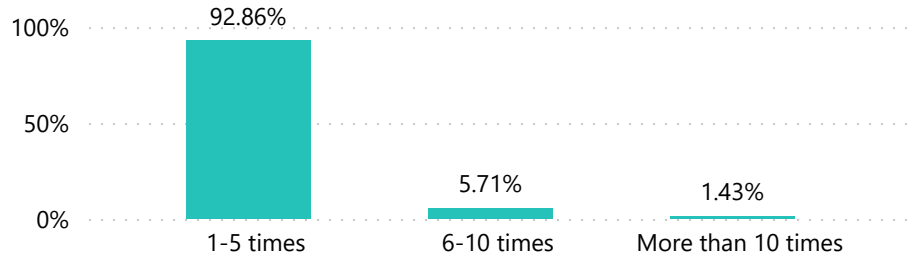
Randall Smith

Randall Smith



Times appearing before or observing this judge:

70
Respondents



Types of cases in which respondents appeared before or observed this judge:

31

Criminal

12

Domestic Relations

13

Tort

9

Contract

16

Other Civil

Rate this judge's performance:

● 1-Rarely/Never ● 2-About Half the Time ● 3-Frequently/Always ● N/A-Don't Know/Not Applicable

The judge uses courtroom time efficiently:



The judge is patient:



The judge shows respect for all court participants:



The judge is attentive to the proceedings:



The judge is prompt in rendering decisions:



The judge displays knowledge of the law:



The judge exhibits fairness to all parties:



The judge communicates effectively:



The judge is faithful to the law:



The judge's decisions are clear:



2023 Retired Recalled Circuit Court Judge Evaluation Results

Evaluation of
The Honorable

Steven Smith

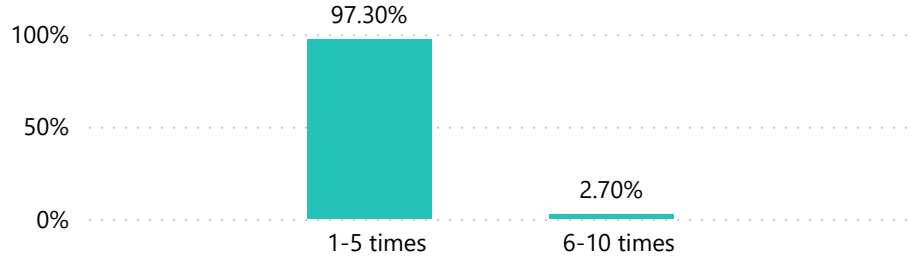
Steven Smith



Times appearing before or observing this judge:

37

Respondents



Types of cases in which respondents appeared before or observed this judge:

21

Criminal

4

Domestic Relations

1

Tort

2

Contract

11

Other Civil

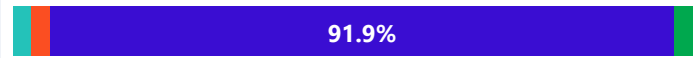
Rate this judge's performance:

● 1-Rarely/Never ● 2-About Half the Time ● 3-Frequently/Always ● N/A-Don't Know/Not Applicable

The judge uses courtroom time efficiently:



The judge is patient:



The judge shows respect for all court participants:



The judge is attentive to the proceedings:



The judge is prompt in rendering decisions:



The judge displays knowledge of the law:



The judge exhibits fairness to all parties:



The judge communicates effectively:



The judge is faithful to the law:



The judge's decisions are clear:



2023 Retired Recalled Circuit Court Judge Evaluation Results

Evaluation of
The Honorable

Joi Taylor

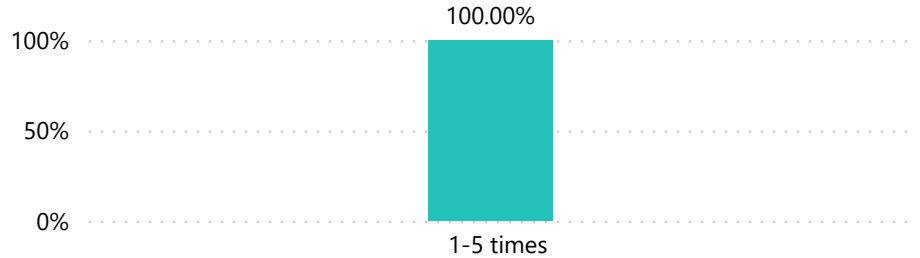
Joi Taylor



Times appearing before or observing this judge:

10

Respondents



Types of cases in which respondents appeared before or observed this judge:

3

Criminal

0

Domestic Relations

2

Tort

2

Contract

3

Other Civil

Rate this judge's performance:

● 1-Rarely/Never ● 2-About Half the Time ● 3-Frequently/Always ● N/A-Don't Know/Not Applicable

The judge uses courtroom time efficiently:



The judge is patient:



The judge shows respect for all court participants:



The judge is attentive to the proceedings:



The judge is prompt in rendering decisions:



The judge displays knowledge of the law:



The judge exhibits fairness to all parties:



The judge communicates effectively:



The judge is faithful to the law:



The judge's decisions are clear:



2023 Retired Recalled Circuit Court Judge Evaluation Results

Evaluation of
The Honorable

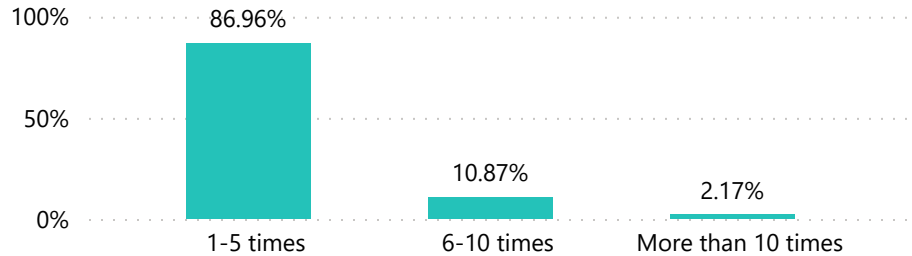
Peter Tench

Peter Tench



Times appearing before or observing this judge:

92
Respondents



Types of cases in which respondents appeared before or observed this judge:

64

Criminal

17

Domestic Relations

4

Tort

4

Contract

7

Other Civil

Rate this judge's performance:

● 1-Rarely/Never ● 2-About Half the Time ● 3-Frequently/Always ● N/A-Don't Know/Not Applicable

The judge uses courtroom time efficiently:

97.8%

The judge is patient:

98.9%

The judge shows respect for all court participants:

100.0%

The judge is attentive to the proceedings:

100.0%

The judge is prompt in rendering decisions:

97.8%

The judge displays knowledge of the law:

94.6%

The judge exhibits fairness to all parties:

96.7%

The judge communicates effectively:

100.0%

The judge is faithful to the law:

93.5%

The judge's decisions are clear:

98.9%

2023 Retired Recalled Circuit Court Judge Evaluation Results

Evaluation of
The Honorable

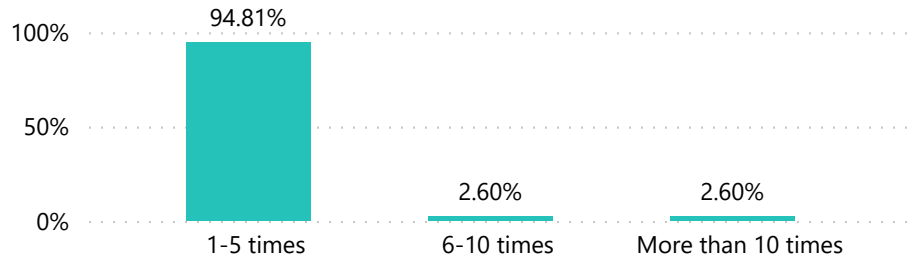
Bruce White

Bruce White



Times appearing before or observing this judge:

77
Respondents



Types of cases in which respondents appeared before or observed this judge:

8

Criminal

33

Domestic Relations

16

Tort

10

Contract

26

Other Civil

Rate this judge's performance:

● 1-Rarely/Never ● 2-About Half the Time ● 3-Frequently/Always ● N/A-Don't Know/Not Applicable

The judge uses courtroom time efficiently:

92.2%

The judge is patient:

14.3%

83.1%

The judge shows respect for all court participants:

93.5%

The judge is attentive to the proceedings:

98.7%

The judge is prompt in rendering decisions:

88.3%

10.4%

The judge displays knowledge of the law:

96.1%

The judge exhibits fairness to all parties:

94.8%

The judge communicates effectively:

93.5%

The judge is faithful to the law:

96.1%

The judge's decisions are clear:

89.5%

2023 Retired Recalled Circuit Court Judge Evaluation Results

Evaluation of
The Honorable

James Yoffy

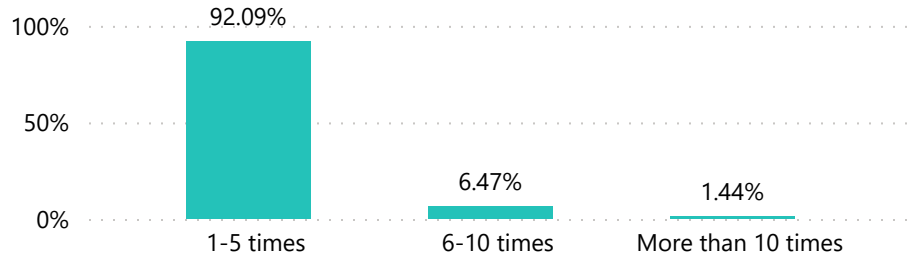
James Yoffy



Times appearing before or observing this judge:

139

Respondents



Types of cases in which respondents appeared before or observed this judge:

113

Criminal

5

Domestic Relations

6

Tort

5

Contract

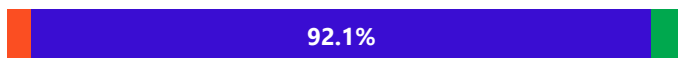
15

Other Civil

Rate this judge's performance:

● 1-Rarely/Never ● 2-About Half the Time ● 3-Frequently/Always ● N/A-Don't Know/Not Applicable

The judge uses courtroom time efficiently:



The judge is patient:



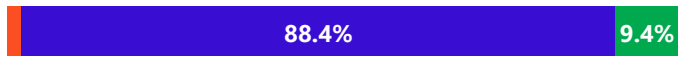
The judge shows respect for all court participants:



The judge is attentive to the proceedings:



The judge is prompt in rendering decisions:



The judge displays knowledge of the law:



The judge exhibits fairness to all parties:



The judge communicates effectively:



The judge is faithful to the law:



The judge's decisions are clear:



2023 Retired Recalled Circuit Court Judge Evaluation Results

Number and types of cases in which respondents appeared before or observed retired circuit court judges

2428

Total

Types of Cases

922

Criminal

483

Domestic Relations

255

Tort

178

Contract

590

Other Civil

