

APPENDIX C:
IAALS MODEL SURVEYS
FOR APPELLATE JUDICIAL
PERFORMANCE EVALUATION

SURVEY: ATTORNEY RESPONDENT

SECTION I: INTRODUCTION

Please indicate your role in the legal system at the time you interacted with this judge and/or his/her written opinions (select one):

- ☐ Attorney
- ☐ Trial judge
- ☐ Court staff

[If “Attorney” is selected]

Please check the following statements that apply to you (may check more than one):

- ☐ I use appellate opinions extensively in my practice.
- ☐ I have appeared before this judge in oral argument.
- ☐ This judge has written an opinion in one of my cases.

[If at least one of these options is selected]

Please answer the following demographic questions. Your responses to the demographic questions will NOT be associated with your answers to the evaluative questions. Rather, aggregate demographic information about attorney respondents will be provided to the evaluated judge.

1. Which of the following best describes your legal practice?

- a. Private, solo
- b. Private, 2-5 attorneys
- c. Private, 6+ attorneys
- d. Private, corporate employee
- e. Government
- f. Public service agency or organization (not government)
- g. Other

2. How long have you practiced law in this state?

- a. 5 years or fewer
- b. 6 to 10 years
- c. 11 to 15 years
- d. 16 to 20 years
- e. 21 years or more

3. In what county is your practice based? _____

4. What types of cases do you primarily handle?

- a. Mainly criminal
- b. Mainly civil
- c. Mixed criminal & civil
- d. Other

5. In the most recent case in which you appeared before this judge, did you represent the winning party or the losing party?

- a. Winning party
- b. Losing party
- c. Mixed outcome
- d. Case not yet decided

SECTION II: STRUCTURED FREE RECALL

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

*To help you make a better performance evaluation, please take a few moments to recall some **positive** aspects of the evaluated judge's performance. In your experience with the judge, what did s/he do well? If it is helpful in organizing your thoughts, you may list these positive aspects here. Anything you record here will be discarded once you submit your survey; it will not be shared with the evaluated judge [or the evaluation commission].*

1. _____

2. _____

3. _____

Now, please take a few moments to recall some **negative** aspects of the evaluated judge's performance. In your experience with the judge, what did s/he do poorly? If it is helpful in organizing your thoughts, you may list these negative aspects here. Anything you record here will be discarded once you submit your survey; it will not be shared with the evaluated judge [or the evaluation commission].

1. _____

2. _____

3. _____

SECTION III: SURVEY

Rate the evaluated judge's performance as described in the statements below, using the rating scale provided. Please use N/A if you have not had the opportunity to experience the behavior described.

	(1) STRONGLY DISAGREE	(2) DISAGREE	(3) NEITHER AGREE NOR DISAGREE	(4) AGREE	(5) STRONGLY AGREE	N/A
Legal Ability						
1. Writes opinions that adequately explain the basis of the court's decision.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Writes opinions that follow an applicable standard of review for the case.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Writes opinions that clearly set forth any rules of law to be used in future cases.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Writes opinions that decide only those issues that need to be decided in the case before the court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impartiality/Fairness						
5. Writes opinions that address the issues raised by both parties fairly.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Temperament/Demeanor						
6. Writes separate opinions that are appropriate in tone and substance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Communication Skills						
7. Writes opinions that are clear.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. Writes opinions that are concise.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Writes opinions that adequately summarize the relevant facts in the case.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Writes opinions in which the legal reasoning is easy to follow.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If the attorney has appeared before the judge in oral argument:						
Impartiality/Fairness						
11. Is attentive to the arguments of all parties during oral argument.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

SURVEY: TRIAL JUDGE RESPONDENT

SECTION I: INTRODUCTION

Please indicate your role in the legal system at the time you interacted with this judge and/or his/her written opinions (select one):

- ☐ Attorney
- ☐ Trial judge
- ☐ Court staff

SECTION II: STRUCTURED FREE RECALL

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

*To help you make a better performance evaluation, please take a few moments to recall some **positive** aspects of the evaluated judge's performance. In your experience with the judge, what did s/he do well? If it is helpful in organizing your thoughts, you may list these positive aspects here. Anything you record here will be discarded once you submit your survey; it will not be shared with the evaluated judge [or the evaluation commission].*

1. _____

2. _____

3. _____

Now, please take a few moments to recall some negative aspects of the evaluated judge's performance. In your experience with the judge, what did s/he do poorly? If it is helpful in organizing your thoughts, you may list these negative aspects here. Anything you record here will be discarded once you submit your survey; it will not be shared with the evaluated judge [or the evaluation commission].

1. _____

2. _____

3. _____

SECTION III: SURVEY

Rate the evaluated judge's performance as described in the statements below, using the rating scale provided. Please use N/A if you have not had the opportunity to experience the behavior described.

	(1) STRONGLY DISAGREE	(2) DISAGREE	(3) NEITHER AGREE NOR DISAGREE	(4) AGREE	(5) STRONGLY AGREE	N/A
Legal Ability						
1. Writes opinions that adequately explain the basis of the court's decision.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Writes opinions that follow an applicable standard of review for the case.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Writes opinions that provide clear direction to the trial court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Writes opinions that clearly set forth any rules of law to be used in future cases.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Writes opinions that decide only those issues that need to be decided in the case before the court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Writes opinions that accurately present the facts needed to decide the case.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Writes opinions that accurately present the facts needed to decide the case.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impartiality/Fairness						
8. Writes opinions that address the issues raised by both parties fairly.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Temperament/Demeanor						
9. Writes separate opinions that are appropriate in tone and substance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Communication Skills						
10. Writes opinions that are clear.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Writes opinions that are concise.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Writes opinions in which the legal reasoning is easy to follow.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

SECTION IV: NARRATIVE COMMENTS

Please provide any additional comments you have about the evaluated judge's performance. These comments will be shared with the judge, with any identifying information removed.

SURVEY: COURT STAFF RESPONDENT

SECTION I: INTRODUCTION

Please indicate your role in the legal system at the time you interacted with this judge and/or his/her written opinions (select one):

- ☐ Attorney
- ☐ Trial judge
- ☐ Court staff

SECTION II: STRUCTURED FREE RECALL

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

To help you make a better performance evaluation, please take a few moments to recall some positive aspects of the evaluated judge's performance. In your experience with the judge, what did s/he do well? If it is helpful in organizing your thoughts, you may list these positive aspects here. Anything you record here will be discarded once you submit your survey; it will not be shared with the evaluated judge [or the evaluation commission].

1. _____

2. _____

3. _____

Now, please take a few moments to recall some negative aspects of the evaluated judge's performance. In your experience with the judge, what did s/he do poorly? If it is helpful in organizing your thoughts, you may list these negative aspects here. Anything you record here will be discarded once you submit your survey; it will not be shared with the evaluated judge [or the evaluation commission].

1. _____

2. _____

3. _____

SECTION III: SURVEY

Rate the evaluated judge’s performance as described in the statements below, using the rating scale provided. Please use N/A if you have not had the opportunity to experience the behavior described.

	(1) STRONGLY DISAGREE	(2) DISAGREE	(3) NEITHER AGREE NOR DISAGREE	(4) AGREE	(5) STRONGLY AGREE	N/A
Impartiality/Fairness						
1. Is attentive to the arguments of all parties during oral argument.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Temperament/Demeanor						
2. Engages in collegial decision making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Shows respect to all court employees.						
4. Behaves in a manner that fosters respect for the court system.						
Communication Skills						
5. Provides feedback constructively to court staff.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Encourages constructive feedback from court staff.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Administrative Performance						
7. Is punctual for proceedings.						
8. Effectively handles workload.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

SECTION IV: NARRATIVE COMMENTS

Please provide any additional comments you have about the evaluated judge’s performance. These comments will be shared with the judge, with any identifying information removed.

SELF-EVALUATION

Please evaluate your own performance as described in the statements below, using the rating scale provided.

	(1) STRONGLY DISAGREE	(2) DISAGREE	(3) NEITHER AGREE NOR DISAGREE	(4) AGREE	(5) STRONGLY AGREE	N/A
Legal Ability						
1. Writes opinions that adequately explain the basis of the court's decision.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Writes opinions that follow an applicable standard of review for the case.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Write opinions that provide clear direction to the trial court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Write opinions that clearly set forth any rules of law to be used in future cases.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Write opinions that decide only those issues that need to be decided in the case before the court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Write opinions that accurately present the facts needed to decide the case.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Write opinions that accurately summarize the proceedings in the trial court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impartiality/Fairness						
8. Write opinions that address the issues raised by both parties fairly.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Am attentive to the arguments of all parties during oral argument.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Temperament/Demeanor						
10. Am attentive to the differing opinions of colleagues during oral argument.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Engage in collegial decision making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Behave in a manner that fosters respect for the court system.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. Show respect to all court employees.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	(1) STRONGLY DISAGREE	(2) DISAGREE	(3) NEITHER AGREE NOR DISAGREE	(4) AGREE	(5) STRONGLY AGREE	N/A
Communication Skills						
14. Writes opinions that are clear.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. Writes opinions that are concise.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. Writes opinions that adequately summarize the relevant facts in the case.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17. Writes opinions in which the legal reasoning is easy to follow.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
18. Provide feedback constructively to court staff.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
19. Encourage constructive feedback from court staff.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Administrative Performance						
20. Is punctual for proceedings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
21. Effectively handle workload.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The following questions may be asked during the commission's interview of individual justices or judges. If no interview is conducted, these questions should be included with the self-evaluation survey.

- What do you think makes a clear written opinion?

- Please describe how you prioritize your workload.

- How do you use your law clerks?

- If you could change something your job, what would it be?

- What has been the greatest challenge during your current term and how did you meet it?