



alaska judicial council

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MEMORANDUM

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TO: Judicial Council
FROM: Peggy Skeers *PS*
DATE: April 18, 1996
RE: Juror Survey Analysis

Background of Survey

The Judicial Council surveyed jurors in 1976 and 1978, its first two years of judicial performance evaluation for retention elections. After the 1978 election, the Council's evaluation contractor (the Institute for Social Research at the University of Michigan) advised it to drop the survey because it lacked statistical validity. The difficulty stemmed from the fact that most jurors rated most judges "Good" or "Excellent" most of the time, permitting no distinctions among the judges or among the qualities found in each judge. This phenomenon, often termed the "halo" effect, appears in other juror surveys, and other types of surveys.

Based on this recommendation, the Council discontinued the survey for twelve years. In 1990, the Council began a major public education program. The program encouraged more public participation in the evaluation process, and gave the public more information about the evaluation results and recommendations. An experimental juror survey with the Anchorage trial court judges led the Council to conclude that juror surveys serve three purposes, distinct from any question of statistical merit. First, they greatly improve public participation in the process. Jurors responding to the survey become aware of the evaluation process by contributing to it. Their evaluations of judges increase public confidence in the process because the public perceives juries to be trustworthy groups. Second, judges benefit from the comments made by the jurors on temperament, clarity of instructions, courtroom control, fairness and the other characteristics included in the jurors' surveys. Third, while the survey does not provide statistically useful information because of the "halo effect," it does give the Council another perspective on the judges' performance. (If a judge did **not** receive scores in the

expected range, the lower scores would become useful information.) The Council expanded the survey to include all trial court judges standing for retention in 1992.

Juror Survey Methodology

The 1996 juror survey included approximately 2,500 jurors, who sat on trials before 13 judges in 1994 and 1995. Each juror received only one form, with no followup mailings. Of the 2,500 surveys mailed, 981 were returned (39%). Council staff entered and analyzed the data from the surveys. Because the data were, as expected, predominantly positive for all variables and all judges, only simple frequencies and cross-tabulations were used for cleaning and analyzing the data. Comments were entered separately.

Table 1 shows that the distribution of jurors for each judge on civil or criminal cases tended to vary somewhat. Most jurors served eight or fewer days, on a single case. In communities where jurors are called to serve for one to three months at a stretch, they may sit on several different juries.

<i>Judge</i>	<i>Civil</i>	<i>Criminal</i>	<i>Both</i>	<i>No Answer</i>
Ashman	13	37	2	23
Beistline	9	76	0	33
Card	2	4	0	1
Carpeneti	1	29	0	9
Finn	10	32	0	22
Fuld	15	33	0	25
Joannides	9	13	0	12
Pengilly	33	46	1	36
Savell	19	77	1	33
Shortell	45	3	0	21
Thompson	25	29	2	30
Wanamaker	8	28	0	17
Wood	15	67	1	34

<i>Percentage</i>	<i>Value</i>
9%	less than 2 days
24%	2 days
23%	3 days
14%	4 days
12%	5 days
4%	6 days
4%	7 days
2%	8 days
<u>8%</u>	9-90 days
100%	

Survey Results

The comments from the juror surveys will be distributed to Judicial Council members and to each judge, who will receive copies of the comments pertaining to his or her performance. This memorandum summarizes the findings from the survey, and will go to the Council and to all judges. Council publications about the overall evaluation of each judge will include juror survey ratings as well as the other evaluation information.

The survey results appear in tables below. Jurors used a five-point scale, with Excellent scored as five, and Unacceptable scored as one. The closer the jurors' scores were to five, the higher that judge's evaluation by the jurors. The mean score and number of responses appear for each variable. Virtually all mean scores fell between 4.3 and 4.9, indicating that the majority of the responses were either "excellent" or "good."

The number of responses also affects the reliability of the data. The smaller the number of responses, the more effect a single response will have. One judge had fewer than ten responses; the evaluations for this judge should be considered in that light.

Comments

Comments added a very useful qualitative dimension to the juror survey. Jurors were asked to comment on each of the individual variables, on ways the judge could improve, and for general comments. The nearly 1,000 surveys returned contained approximately 75 pages of comments that covered everything from the temperature and arrangement of the courtroom to the dramatics of the attorneys, to the full range of judicial performance.

Table 3: Mean Score for Each Variable and for "Overall Performance," by Judge
 1996 Retention Juror Survey: AJC

Judge	Was judge fair and impartial to all sides?	Was judge respectful and courteous to parties?	Was judge respectful and courteous to attorneys?	Was judge respectful and courteous to witnesses?	Was judge respectful and courteous to jurors?	Was judge attentive during the proceedings?	Did judge exercise appropriate control over the proceedings?	Evaluate the judge's intelligence and skill as a judge.	Overall Performance	
									Mean	Total
Ashman	4.5	4.5	4.5	4.5	4.5	4.4	4.6	4.4	4.3	72
Beistline	4.8	4.8	4.8	4.8	4.8	4.8	4.7	4.7	4.8	118
Card	4.9	4.6	4.6	4.6	4.7	4.6	4.7	4.9	4.7	7
Carpeneti	4.7	4.8	4.7	4.8	4.8	4.8	4.8	4.8	4.8	39
Finn	4.7	4.8	4.7	4.8	4.7	4.8	4.8	4.6	4.7	64
Fuld	4.5	4.6	4.5	4.6	4.7	4.4	4.6	4.6	4.6	72
Joannides	4.6	4.8	4.7	4.8	4.9	4.7	4.4	4.5	4.7	33
Pengilly	4.6	4.7	4.6	4.7	4.7	4.7	4.7	4.7	4.6	113
Savell	4.8	4.8	4.7	4.9	4.9	4.8	4.8	4.8	4.8	129
Shortell	4.6	4.6	4.6	4.7	4.8	4.6	4.6	4.7	4.6	65
Thompson	4.7	4.7	4.6	4.7	4.8	4.7	4.7	4.7	4.7	84
Wanamaker	4.6	4.7	4.7	4.8	4.8	4.7	4.7	4.6	4.6	51
Wood	4.6	4.6	4.6	4.7	4.7	4.7	4.7	4.6	4.6	114

Table 4: Juror Survey Results for Peter G. Ashman
 1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 75)
Was judge fair and impartial to all sides?	54.8 (40)	41.1 (30)	1.4 (1)	2.7 (2)	0	73
Was judge respectful and courteous to parties?	56.2 (41)	37.0 (27)	5.5 (4)	1.4 (1)	0	73
Was judge respectful and courteous to attorneys?	54.2 (39)	38.9 (28)	6.9 (5)	0	0	72
Was judge respectful and courteous to witnesses?	57.7 (41)	36.6 (26)	5.6 (4)	0	0	71
Was judge respectful and courteous to jurors?	61.6 (45)	32.9 (24)	4.1 (3)	1.4 (1)	0	73
Was judge attentive during the proceedings?	56.8 (42)	32.4 (24)	5.4 (4)	1.4 (1)	4.1 (3)	74
Did judge exercise appropriate control over proceedings?	65.3 (47)	26.4 (19)	6.9 (5)	1.4 (1)	0	72
Evaluate the judge's intelligence and skill as a judge.	56.9 (41)	33.3 (24)	6.9 (5)	2.8 (2)	0	72
Overall evaluation of judge	50.0 (36)	38.9 (28)	6.9 (5)	0	4.2 (3)	72

Table 5: Juror Survey Results for Ralph R. Beistline
1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 118)
Was judge fair and impartial to all sides?	79.5 (93)	17.9 (21)	2.6 (3)	0	0	117
Was judge respectful and courteous to parties?	83.9 (99)	14.4 (17)	1.7 (2)	0	0	118
Was judge respectful and courteous to attorneys?	81.4 (96)	17.8 (21)	0.8 (1)	0	0	118
Was judge respectful and courteous to witnesses?	85.6 (101)	12.7 (15)	1.7 (2)	0	0	118
Was judge respectful and courteous to jurors?	88.1 (104)	10.2 (12)	0.8 (1)	0	0.8 (1)	118
Was judge attentive during the proceedings?	80.5 (95)	16.9 (20)	2.5 (3)	0	0	118
Did judge exercise appropriate control over proceedings?	76.3 (90)	21.2 (25)	2.5 (3)	0	0	118
Evaluate the judge's intelligence and skill as a judge.	77.1 (91)	20.3 (24)	2.5 (3)	0	0	118
Overall evaluation of judge	80.5 (95)	17.8 (21)	1.7 (2)	0	0	118

Table 6: Juror Survey Results for Larry D. Card 1996 Retention Juror Survey: AJC						
Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 7*)
Was judge fair and impartial to all sides?	85.7 (6)	14.3 (1)	0	0	0	7
Was judge respectful and courteous to parties?	71.4 (5)	14.3 (1)	14.3 (1)	0	0	7
Was judge respectful and courteous to attorneys?	71.4 (5)	14.3 (1)	14.3 (1)	0	0	7
Was judge respectful and courteous to witnesses?	71.4 (5)	14.3 (1)	14.3 (1)	0	0	7
Was judge respectful and courteous to jurors?	85.7 (6)	0	14.3 (1)	0	0	7
Was judge attentive during the proceedings?	71.4 (5)	14.3 (1)	14.3 (1)	0	0	7
Did judge exercise appropriate control over proceedings?	71.4 (5)	28.6 (2)	0	0	0	7
Evaluate the judge's intelligence and skill as a judge.	85.7 (6)	14.3 (1)	0	0	0	7
Overall evaluation of judge	71.4 (5)	28.6 (2)	0	0	0	7

* Judge Card received fewer than ten responses. This evaluation should be considered in that light.

Table 7: Juror Survey Results for Walter L. Carpeneti
 1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 39)
Was judge fair and impartial to all sides?	76.3 (29)	21.1 (8)	2.6 (1)	0	0	38
Was judge respectful and courteous to parties?	76.9 (30)	23.1 (9)	0	0	0	39
Was judge respectful and courteous to attorneys?	74.4 (29)	25.6 (10)	0	0	0	39
Was judge respectful and courteous to witnesses?	83.3 (30)	16.7 (6)	0	0	0	36
Was judge respectful and courteous to jurors?	84.6 (33)	15.4 (6)	0	0	0	39
Was judge attentive during the proceedings?	78.9 (30)	18.4 (7)	2.6 (1)	0	0	38
Did judge exercise appropriate control over proceedings?	76.3 (29)	23.7 (9)	0	0	0	38
Evaluate the judge's intelligence and skill as a judge.	81.6 (31)	18.4 (7)	0	0	0	38
Overall evaluation of judge	79.5 (31)	20.5 (8)	0	0	0	39

Table 8: Juror Survey Results for Natalie K. Finn
1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 64)
Was judge fair and impartial to all sides?	75.0 (48)	21.9 (14)	1.6 (1)	1.6 (1)	0	64
Was judge respectful and courteous to parties?	78.1 (50)	20.3 (13)	1.6 (1)	0	0	64
Was judge respectful and courteous to attorneys?	74.6 (47)	23.8 (15)	1.6 (1)	0	0	63
Was judge respectful and courteous to witnesses?	79.0 (49)	19.4 (12)	1.6 (1)	0	0	62
Was judge respectful and courteous to jurors?	81.0 (51)	15.9 (10)	0	3.2 (2)	0	63
Was judge attentive during the proceedings?	79.7 (51)	18.8 (12)	1.6 (1)	0	0	64
Did judge exercise appropriate control over proceedings?	81.3 (52)	17.2 (11)	1.6 (1)	0	0	64
Evaluate the judge's intelligence and skill as a judge.	66.7 (42)	30.2 (19)	1.6 (1)	1.6 (1)	0	63
Overall evaluation of judge	70.3 (45)	26.6 (17)	1.6 (1)	1.6 (1)	0	64

Table 9: Juror Survey Results for William H. Fuld
 1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 73)
Was judge fair and impartial to all sides?	63.4 (45)	29.6 (21)	5.6 (4)	1.4 (1)	0	71
Was judge respectful and courteous to parties?	67.6 (48)	28.2 (20)	4.2 (3)	0	0	71
Was judge respectful and courteous to attorneys?	57.1 (40)	35.7 (25)	7.1 (5)	0	0	70
Was judge respectful and courteous to witnesses?	64.7 (44)	29.4 (20)	5.9 (4)	0	0	68
Was judge respectful and courteous to jurors?	78.9 (56)	16.9 (12)	4.2 (3)	0	0	71
Was judge attentive during the proceedings?	58.3 (42)	29.2 (21)	8.3 (6)	2.8 (2)	1.4 (1)	72
Did judge exercise appropriate control over proceedings?	67.6 (48)	23.9 (17)	7.0 (5)	1.4 (1)	0	71
Evaluate the judge's intelligence and skill as a judge.	69.0 (49)	23.9 (17)	7.0 (5)	0	0	71
Overall evaluation of judge	63.9 (46)	29.2 (21)	6.9 (5)	0	0	72

Table 10: Juror Survey Results for Stephanie Joannides
 1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 34)
Was judge fair and impartial to all sides?	66.7 (22)	27.3 (9)	6.1 (2)	0	0	33
Was judge respectful and courteous to parties?	78.8 (26)	21.2 (7)	0	0	0	33
Was judge respectful and courteous to attorneys?	72.7 (24)	24.2 (8)	3.0 (1)	0	0	33
Was judge respectful and courteous to witnesses?	81.8 (27)	18.2 (6)	0	0	0	33
Was judge respectful and courteous to jurors?	85.3 (29)	14.7 (5)	0	0	0	34
Was judge attentive during the proceedings?	75.8 (25)	21.2 (7)	3.0 (1)	0	0	33
Did judge exercise appropriate control over proceedings?	51.5 (17)	42.4 (14)	3.0 (1)	3.0 (1)	0	33
Evaluate the judge's intelligence and skill as a judge.	57.6 (19)	39.4 (13)	3.0 (1)	0	0	33
Overall evaluation of judge	69.7 (23)	27.3 (9)	3.0 (1)	0	0	33

Table 11: Juror Survey Results for Charles Pengilly
1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 116)
Was judge fair and impartial to all sides?	70.4 (81)	23.5 (27)	4.3 (5)	1.7 (2)	0	115
Was judge respectful and courteous to parties?	69.8 (81)	27.6 (32)	2.6 (3)	0	0	116
Was judge respectful and courteous to attorneys?	63.4 (71)	32.1 (36)	3.6 (4)	0.9 (1)	0	112
Was judge respectful and courteous to witnesses?	72.7 (80)	25.5 (28)	0.9 (1)	0.9 (1)	0	110
Was judge respectful and courteous to jurors?	78.6 (88)	19.6 (22)	0.9 (1)	0.9 (1)	0	112
Was judge attentive during the proceedings?	76.7 (89)	19.0 (22)	3.4 (4)	0.9 (1)	0	116
Did judge exercise appropriate control over proceedings?	73.5 (83)	22.1 (25)	4.4 (5)	0	0	113
Evaluate the judge's intelligence and skill as a judge.	70.5 (79)	25.0 (28)	3.6 (4)	0.9 (1)	0	112
Overall evaluation of judge	70.8 (80)	25.7 (29)	0.9 (1)	2.7 (3)	0	113

Table 12: Juror Survey Results for Richard D. Savell
 1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 130)
Was judge fair and impartial to all sides?	83.8 (109)	15.4 (20)	0.8 (1)	0	0	130
Was judge respectful and courteous to parties?	83.7 (108)	15.5 (20)	0.8 (1)	0	0	129
Was judge respectful and courteous to attorneys?	75.0 (96)	22.7 (29)	2.3 (3)	0	0	128
Was judge respectful and courteous to witnesses?	86.7 (111)	12.5 (16)	0.8 (1)	0	0	128
Was judge respectful and courteous to jurors?	90.7 (117)	8.5 (11)	0.8 (1)	0	0	129
Was judge attentive during the proceedings?	82.3 (107)	16.2 (21)	1.5 (2)	0	0	130
Did judge exercise appropriate control over proceedings?	83.8 (109)	15.4 (20)	0.8 (1)	0	0	130
Evaluate the judge's intelligence and skill as a judge.	84.6 (110)	14.6 (19)	0.8 (1)	0	0	130
Overall evaluation of judge	81.4 (105)	17.8 (23)	0.8 (1)	0	0	129

Table 13: Juror Survey Results for Brian C. Shortell
 1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 69)
Was judge fair and impartial to all sides?	71.6 (48)	22.4 (15)	4.5 (3)	0	1.5 (1)	67
Was judge respectful and courteous to parties?	70.6 (48)	23.5 (16)	4.4 (3)	1.5 (1)	0	68
Was judge respectful and courteous to attorneys?	70.1 (47)	22.4 (15)	6.0 (4)	1.5 (1)	0	67
Was judge respectful and courteous to witnesses?	74.2 (49)	22.7 (15)	3.0 (2)	0	0	66
Was judge respectful and courteous to jurors?	85.1 (57)	13.4 (9)	1.5 (1)	0	0	67
Was judge attentive during the proceedings?	66.2 (45)	30.9 (21)	2.9 (2)	0	0	68
Did judge exercise appropriate control over proceedings?	72.3 (47)	21.5 (14)	4.6 (3)	1.5 (1)	0	65
Evaluate the judge's intelligence and skill as a judge.	76.9 (50)	16.9 (11)	4.6 (3)	1.5 (1)	0	65
Overall evaluation of judge	70.8 (46)	23.1 (15)	3.1 (2)	1.5 (1)	1.5 (1)	65

Table 14: Juror Survey Results for Michael A. Thompson
 1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 86)
Was judge fair and impartial to all sides?	70.6 (60)	25.9 (22)	3.5 (3)	0	0	85
Was judge respectful and courteous to parties?	70.9 (61)	27.9 (24)	1.2 (1)	0	0	86
Was judge respectful and courteous to attorneys?	63.5 (54)	35.3 (30)	1.2 (1)	0	0	85
Was judge respectful and courteous to witnesses?	71.8 (61)	27.1 (23)	1.2 (1)	0	0	85
Was judge respectful and courteous to jurors?	76.5 (65)	22.4 (19)	1.2 (1)	0	0	85
Was judge attentive during the proceedings?	70.9 (61)	27.9 (24)	1.2 (1)	0	0	86
Did judge exercise appropriate control over proceedings?	76.2 (64)	20.2 (17)	3.6 (3)	0	0	84
Evaluate the judge's intelligence and skill as a judge.	72.6 (61)	25.0 (21)	2.4 (2)	0	0	84
Overall evaluation of judge	73.8 (62)	26.2 (22)	0	0	0	84

Table 15: Juror Survey Results for James N. Wanamaker

1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 53)
Was judge fair and impartial to all sides?	66.0 (35)	30.2 (16)	1.9 (1)	1.9 (1)	0	53
Was judge respectful and courteous to parties?	73.6 (39)	20.8 (11)	5.7 (3)	0	0	53
Was judge respectful and courteous to attorneys?	69.2 (36)	26.9 (14)	3.8 (2)	0	0	52
Was judge respectful and courteous to witnesses?	76.9 (40)	21.2 (11)	1.9 (1)	0	0	52
Was judge respectful and courteous to jurors?	82.7 (43)	15.4 (8)	0	1.9 (1)	0	52
Was judge attentive during the proceedings?	76.9 (40)	19.2 (10)	3.8 (2)	0	0	52
Did judge exercise appropriate control over proceedings?	74.5 (38)	19.6 (10)	5.9 (3)	0	0	51
Evaluate the judge's intelligence and skill as a judge.	66.7 (34)	29.4 (15)	2.0 (1)	2.0 (1)	0	51
Overall evaluation of judge	70.6 (36)	25.5 (13)	2.0 (1)	2.0 (1)	0	51

Table 16: Juror Survey Results for Mark I. Wood
 1996 Retention Juror Survey: AJC

Question	Excellent % (n)	Good % (n)	Acceptable % (n)	Deficient % (n)	Unacceptable % (n)	Total Respondents (Total returned = 117)
Was judge fair and impartial to all sides?	65.0 (76)	31.6 (37)	2.6 (3)	0	0.9 (1)	117
Was judge respectful and courteous to parties?	66.4 (77)	30.2 (35)	3.4 (4)	0	0	116
Was judge respectful and courteous to attorneys?	63.4 (71)	33.0 (37)	3.6 (4)	0	0	112
Was judge respectful and courteous to witnesses?	70.5 (79)	25.0 (28)	4.5 (5)	0	0	112
Was judge respectful and courteous to jurors?	72.3 (81)	23.2 (26)	4.5 (5)	0	0	112
Was judge attentive during the proceedings?	70.9 (83)	25.6 (30)	3.4 (4)	0	0	117
Did judge exercise appropriate control over proceedings?	70.8 (80)	26.5 (30)	2.7 (3)	0	0	113
Evaluate the judge's intelligence and skill as a judge.	68.5 (76)	27.9 (31)	3.6 (4)	0	0	111
Overall evaluation of judge	67.5 (77)	28.9 (33)	2.6 (3)	0	0.9 (1)	114