

Evaluation of the Judiciary Serving Jefferson County, KY

***Jefferson Circuit Court, Jefferson Circuit Court Senior Status &
Jefferson Family Court***

Comparison of Judges Summary Report



LOUISVILLE BAR

A S S O C I A T I O N

Pride in the profession. Service to the community.

**The Louisville Bar Association and
The Louisville Bar Foundation
600 West Main Street
Louisville, KY 40202**

**2010 Evaluation
Reported in 2011**

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**Background and
Methodology**

Background and Methodology

Background

The Louisville Bar Association (LBA) contracted the services of Thoroughbred Research Group to assist in its annual review of the performance of sitting judges. The LBA sent evaluations to all Kentucky Bar Association (KBA) members with contact addresses in Jefferson County to rate the performance of various judges with whom they have had experience over the past two years. Jefferson Circuit Court and Jefferson Family Court judges were included in the evaluation for 2010.

Methodology

In January 2011, letters and postcards were sent to an estimated 4,200 KBA members informing them of the annual Judicial Evaluation. Members who were qualified to participate in the review were asked to fill out the postcard request and return it to Thoroughbred Research Group no later than January 25, 2011. A total of 710 postcard requests were received by the postmark date. Survey packets and return envelopes were mailed to the 710 members in mid-February. A reminder was posted on the LBA website approximately two weeks later. Respondents were asked to return the completed evaluation forms to Thoroughbred Research Group postmarked no later than March 10, 2011. A total of 402 completed survey forms were returned in time to be included in the tabulation.

Response Rate

Because of the size of the litigation bar and the nature of such practice, only a limited number of attorneys have had significant experience with a particular judge in a specific court. Consequently, from the original 4,200 attorneys who received notice of the evaluation, just a fraction could reasonably be expected to respond to the survey questions. Of those attorneys who were qualified and agreed to respond to the evaluation, many may have significant experience in only one of the courts evaluated or with a limited number of the judges listed. Still, the number of lawyers responding is more than adequate to result in a statistically valid evaluation of the judiciary.

The judges rated during the 2010 evaluation and the total number of respondents rating each judge are shown below:

Jefferson Family Court

- Dolly Wisman Berry (n=119)
- Jerry J. Bowles (n=133)
- Joan L. Byer (n=123)
- Donna Delahanty (n=109)
- Patricia Walker FitzGerald (n=105)
- Eleanore M. Garber (n=104)
- Stephen M. George (n=122)
- H. Smith Haynie (n=105)
- Joseph W. O'Reilly (n=118)
- Paula F. Sherlock (n=101)

Jefferson Circuit Court

- A. C. McKay Chauvin (n=244)
- Frederick J. Cowan (n=248)
- Charles L. Cunningham, Jr. (n=232)
- Audra J. Eckerle (n=206)
- Brian C. Edwards (n=226)
- Susan Shultz Gibson (n=200)
- Irvin G. Maze (n=206)
- Judith E. McDonald-Burkman (n=236)
- Mitchell L. Perry (n=212)
- James M. Shake (n=245)
- Mary M. Shaw (n=182)
- Olu A. Stevens (n=223)
- Barry Willett (n=232)

Jefferson Circuit Court -- SeniorStatus

- Martin F. McDonald (n=154)
- Steve Mershon (n=139)
- Geoffrey P. Morris (n=177)
- Ann O'Malley Shake (n=140)

Questionnaire

The survey instrument included a series of 19 attributes for the circuit court and 18 attributes for the family court that were used to evaluate the performance of each judge. Respondents were asked to indicate the extent to which they agreed or disagreed with each statement used to describe a particular judge using a four-point rating scale of strongly disagree, disagree, agree and strongly agree. Respondents were also given an option to write in any advice they would give to a particular judge to improve his/her performance. These comments were provided only to the applicable judge under separate cover as confidential feedback for his or her personal review. General comments on how to improve the evaluation process or the court system were submitted to the LBA under separate cover.

Respondents were instructed to rate only those judges with whom they have had substantial professional contact within the past two years.

Where applicable, comparative ratings are shown from the most recent prior Judicial Evaluation in 2008.

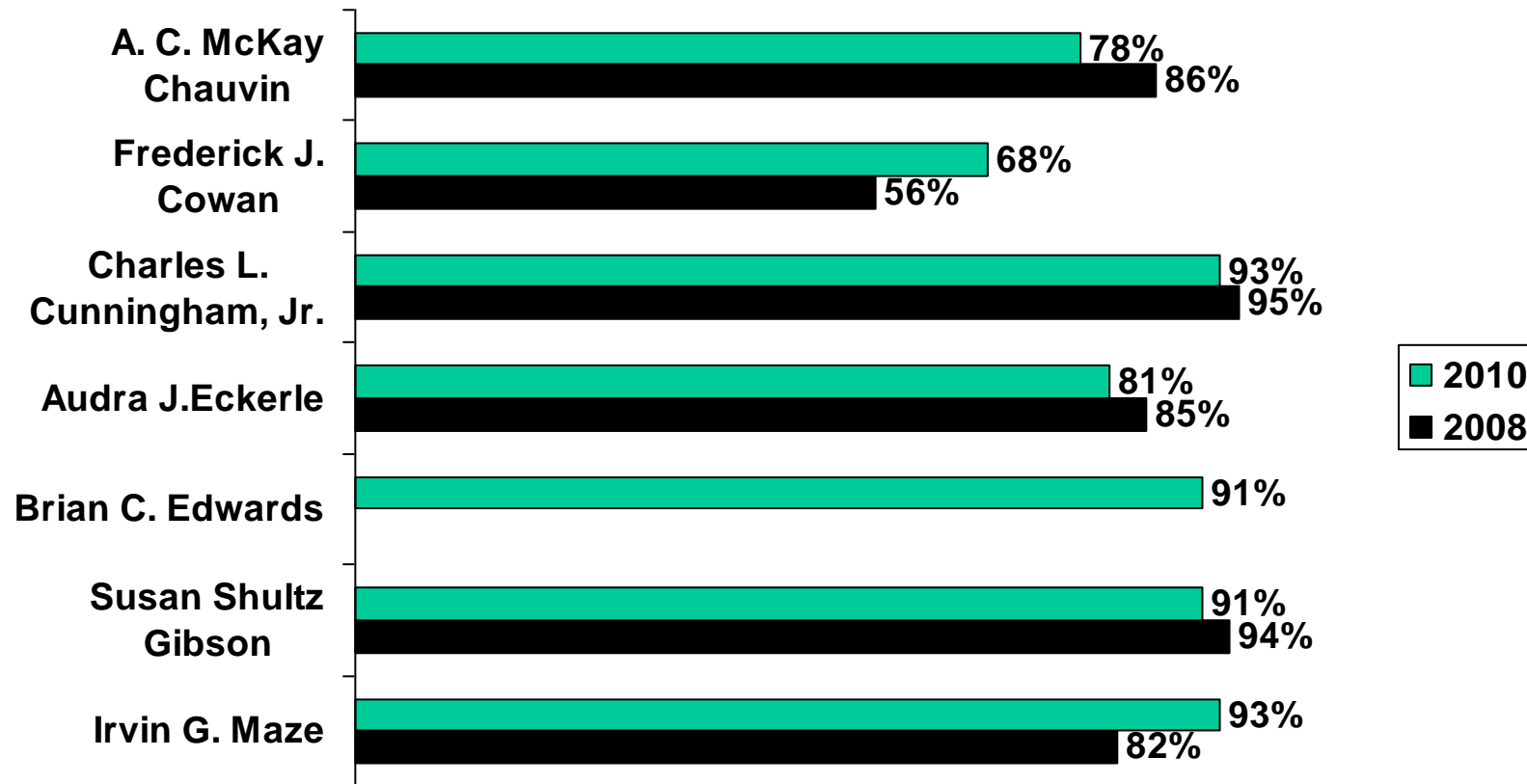
General Satisfaction with Performance

The rating for this category is based on the level of agreement with the following statement for each judge:

- Does a good job overall.

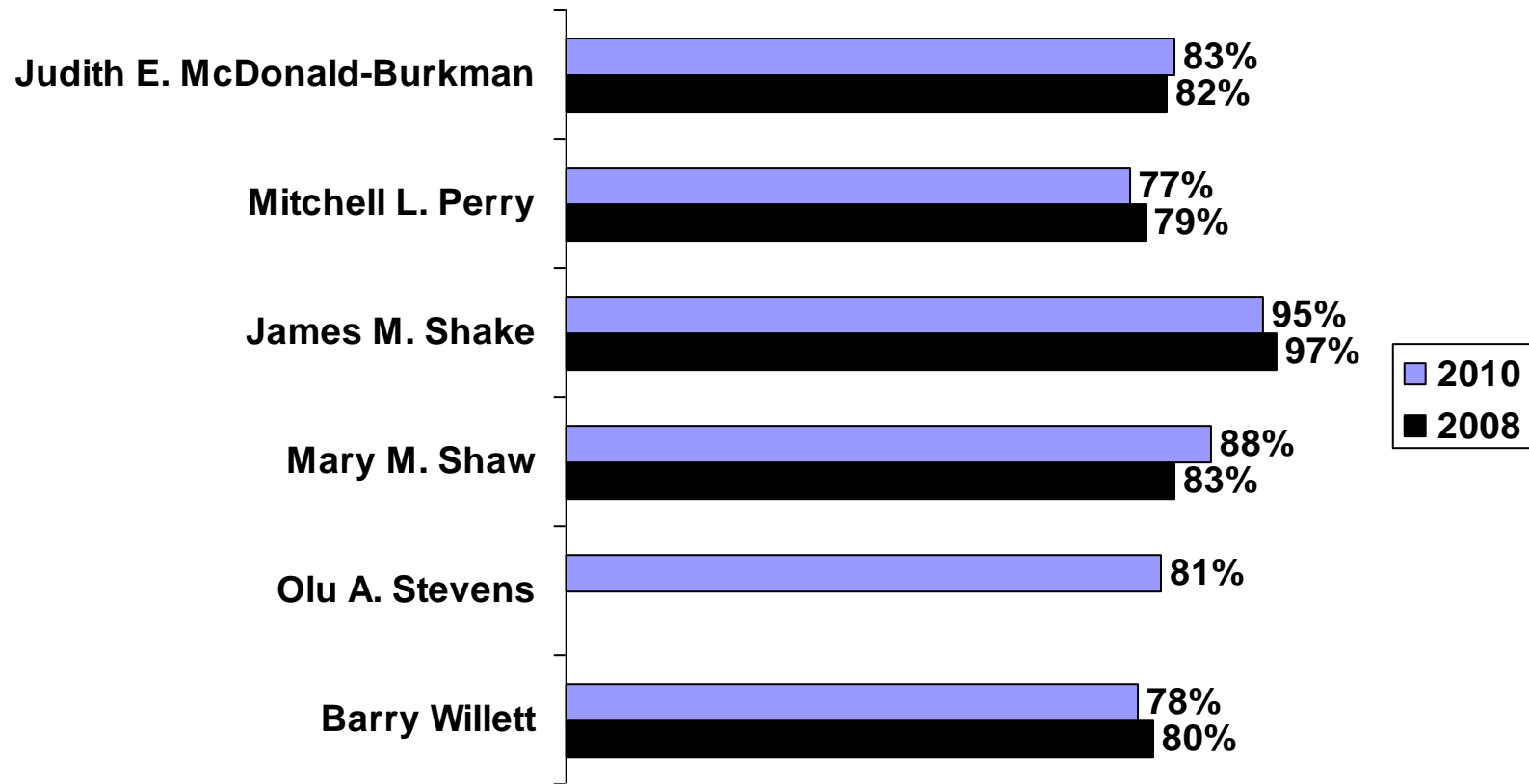
This is an independent rating of the above attribute. It is not a mathematical average of all other ratings.

General Satisfaction with Performance – Jefferson Circuit Court



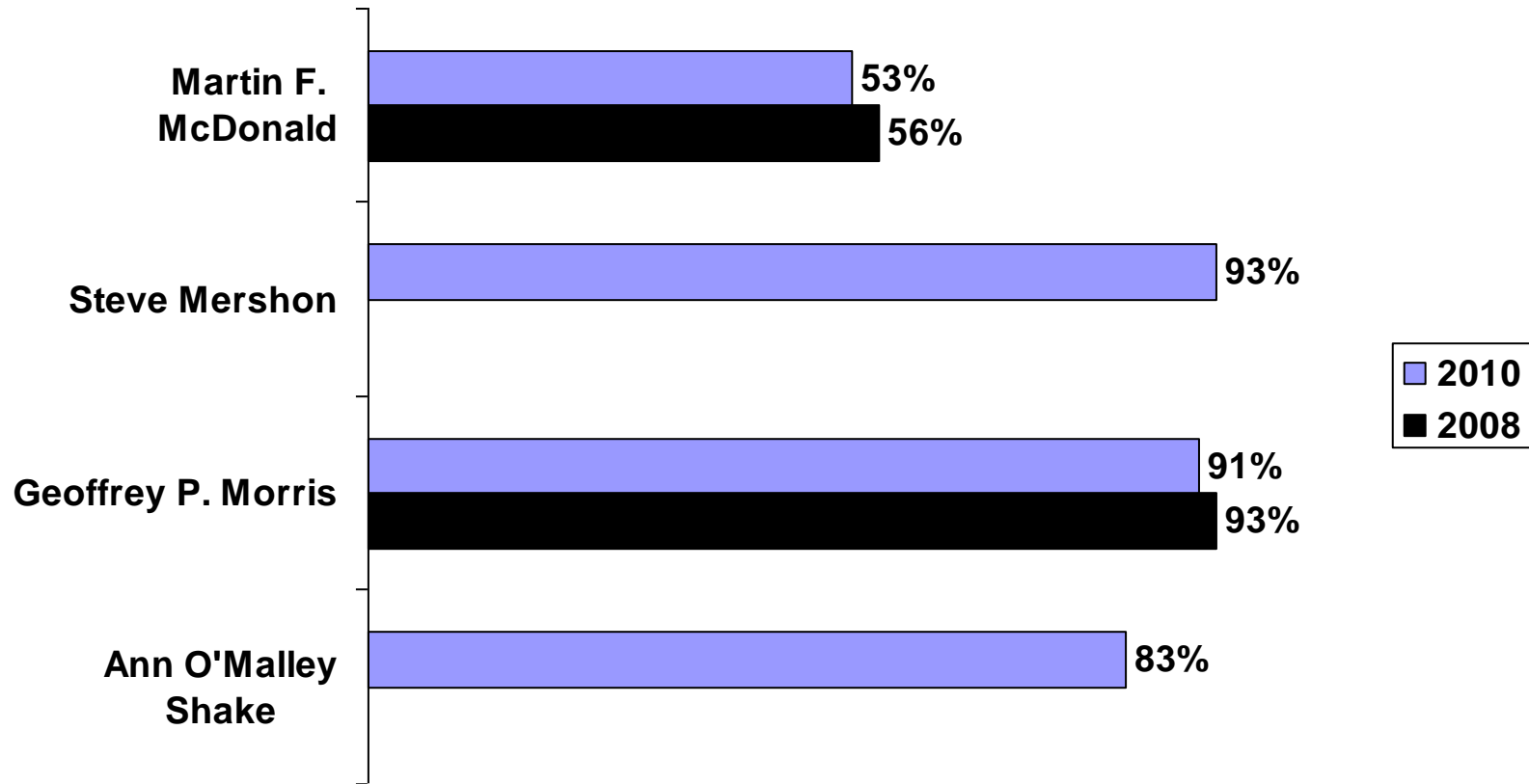
Note: Judge Edwards was not evaluated in 2008.

General Satisfaction with Performance – Jefferson Circuit Court (Continued)



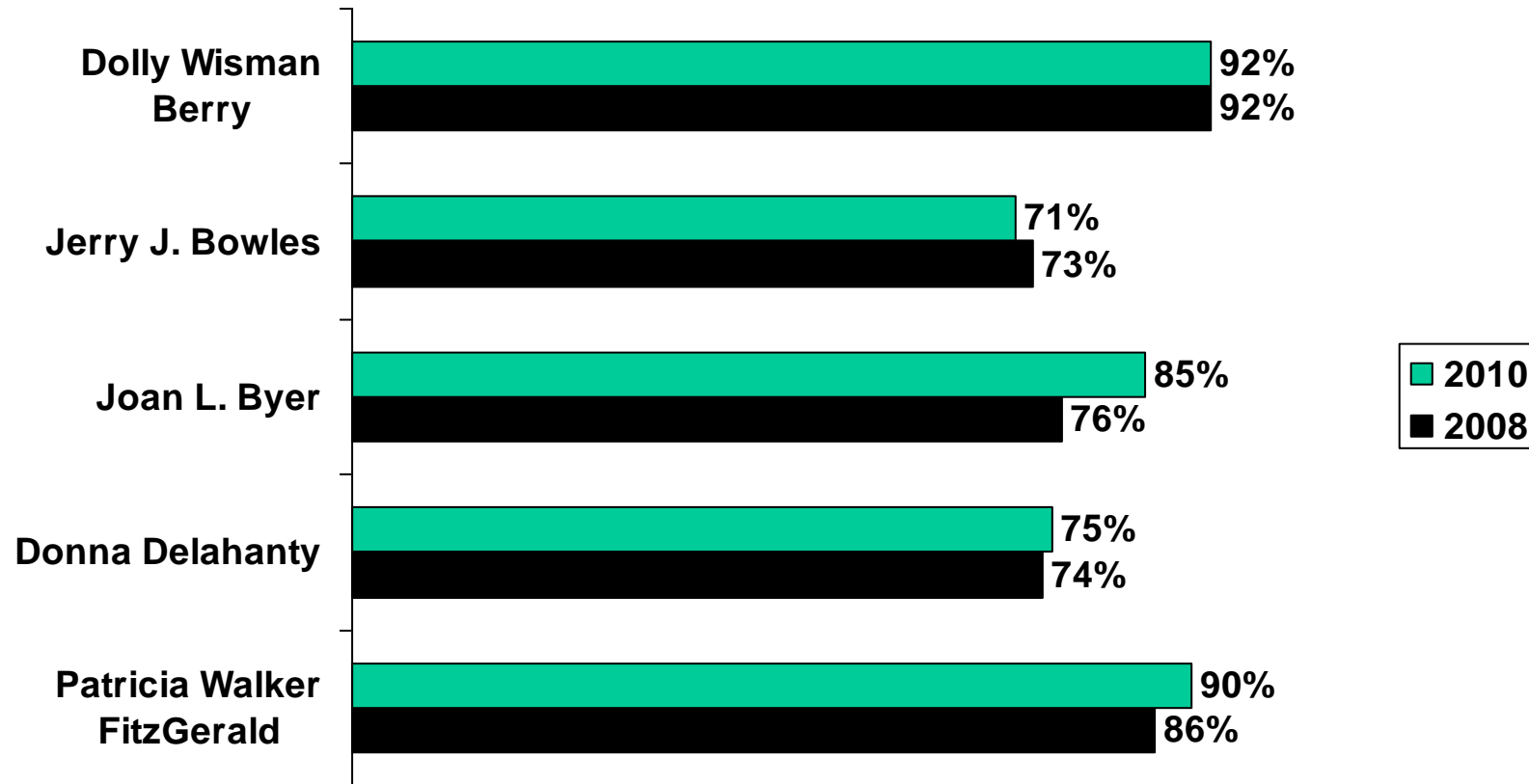
Note: Judge Stevens was not evaluated in 2008.

General Satisfaction with Performance – Jefferson Circuit Court -- Senior Status

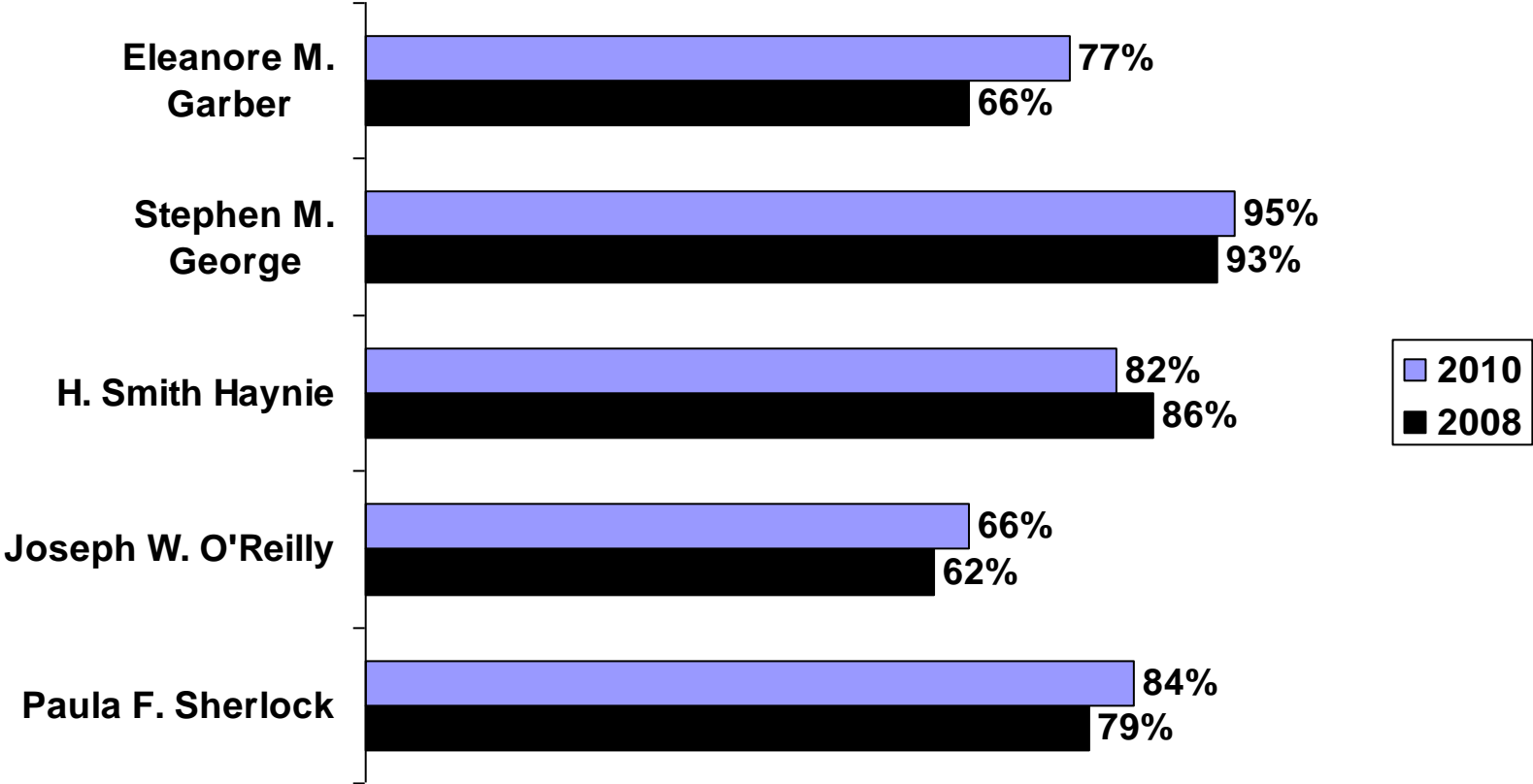


Note: Judge A. Shake and Judge Mershon were not evaluated in 2008.

General Satisfaction with Performance – Jefferson Family Court



General Satisfaction with Performance – Jefferson Family Court (Continued)

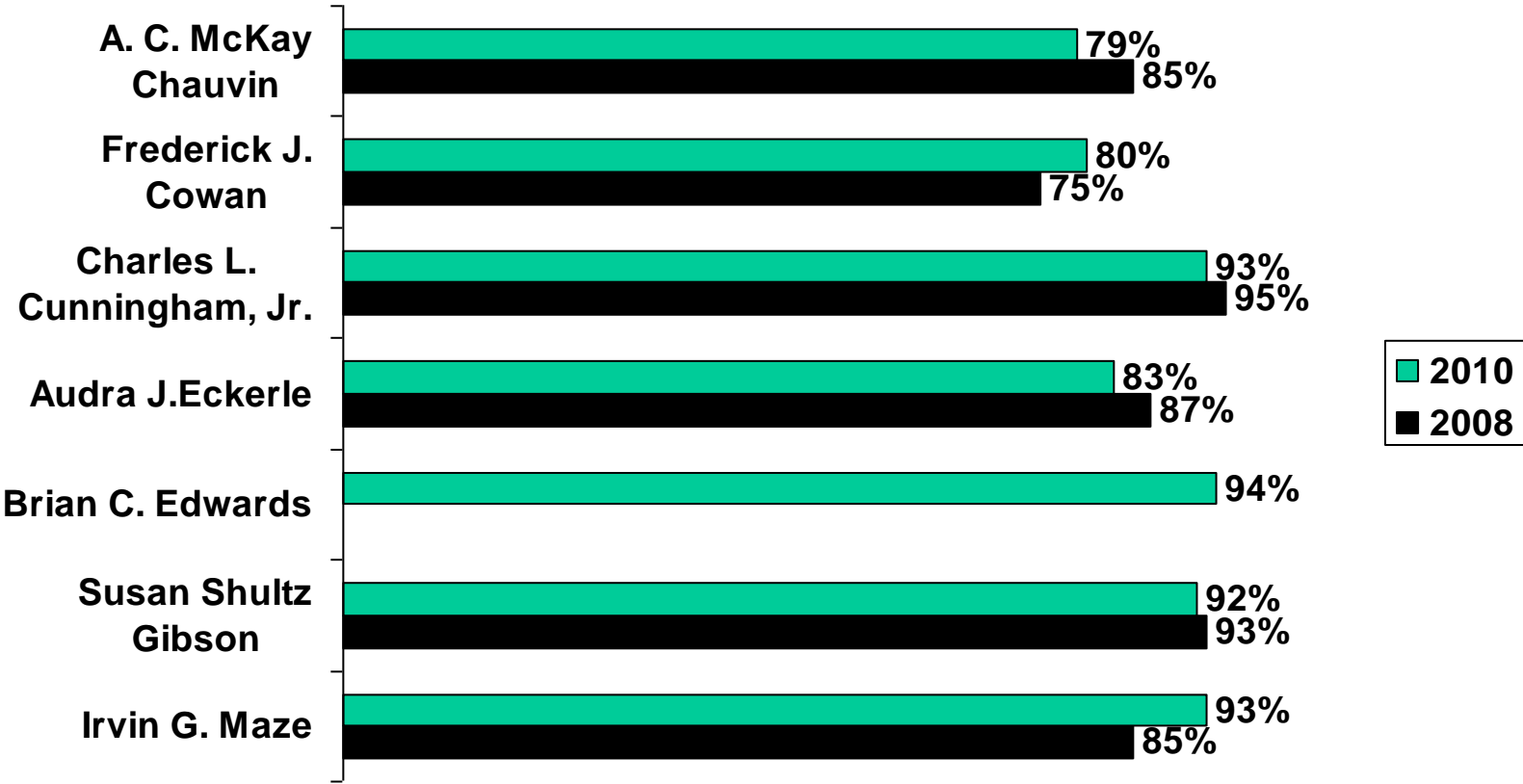


Judicial Temperament Ratings

An average rating was calculated for the performance attributes that make up the Judicial Temperament category. This rating was calculated by averaging the positive ratings for each attribute (“strongly disagree” and “disagree” for negative statements, “agree” and “strongly agree” for positive statements). The performance areas under Judicial Temperament are:

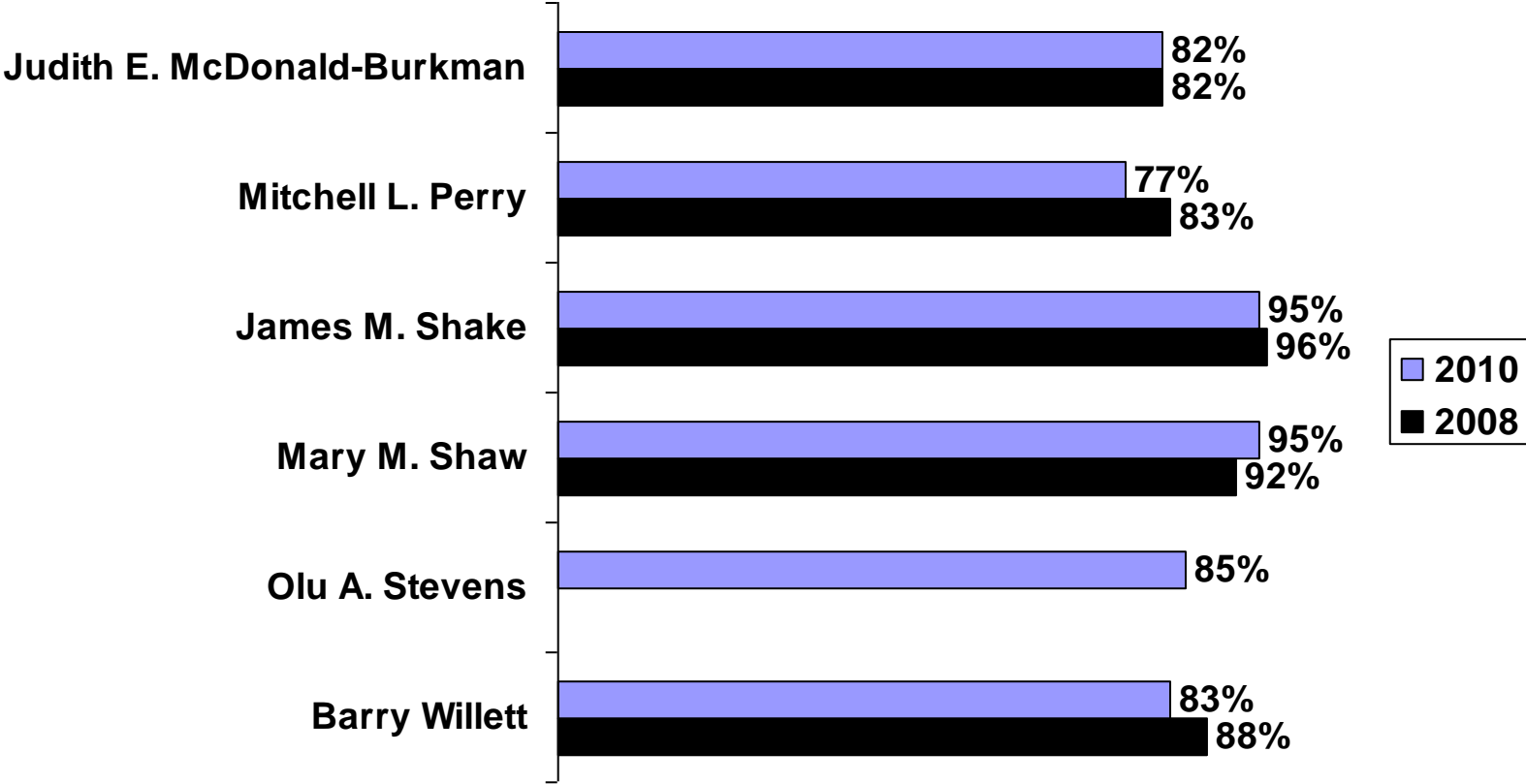
- Gives due consideration to arguments of counsel.
- Conducts court proceedings courteously.
- Pre-determines the outcome of the case.
- Refrains from interfering with the role of counsel in case presentation.
- Conducts court proceedings with objectivity.

Judicial Temperament – Jefferson Circuit Court



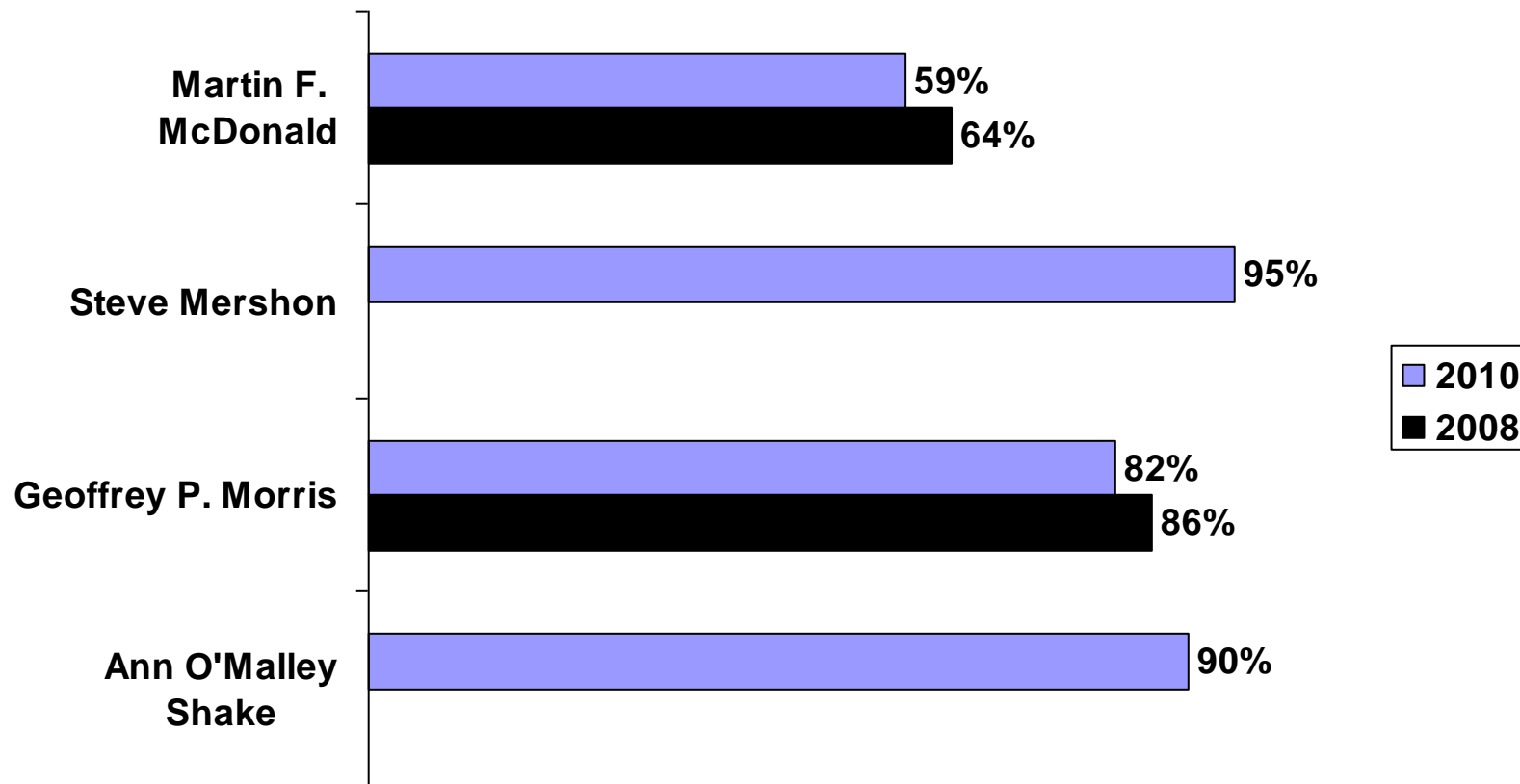
Note: Judge Edwards was not evaluated in 2008.

Judicial Temperament – Jefferson Circuit Court (Continued)



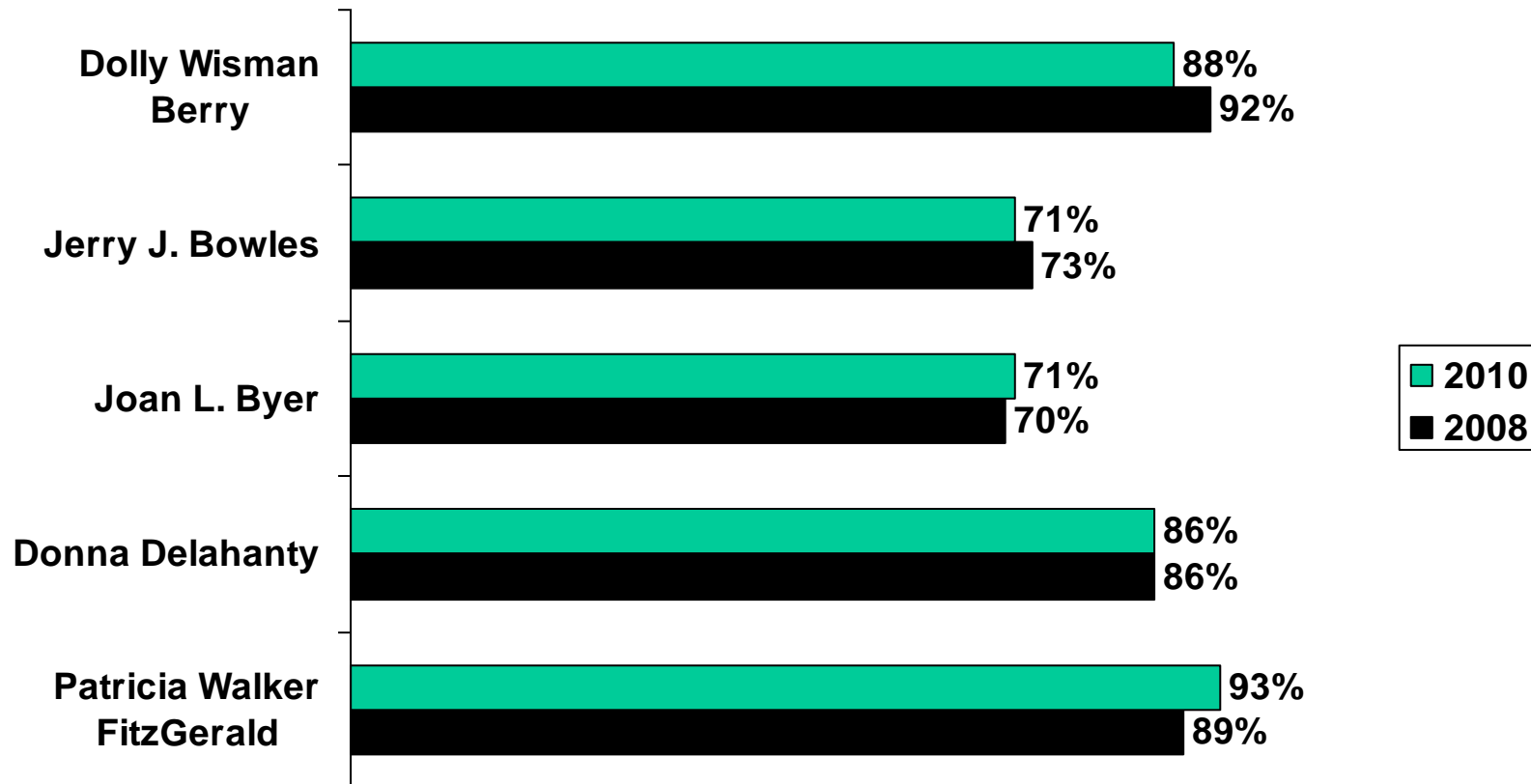
Note: Judge Stevens was not evaluated in 2008.

Judicial Temperament – Jefferson Circuit Court – Senior Status

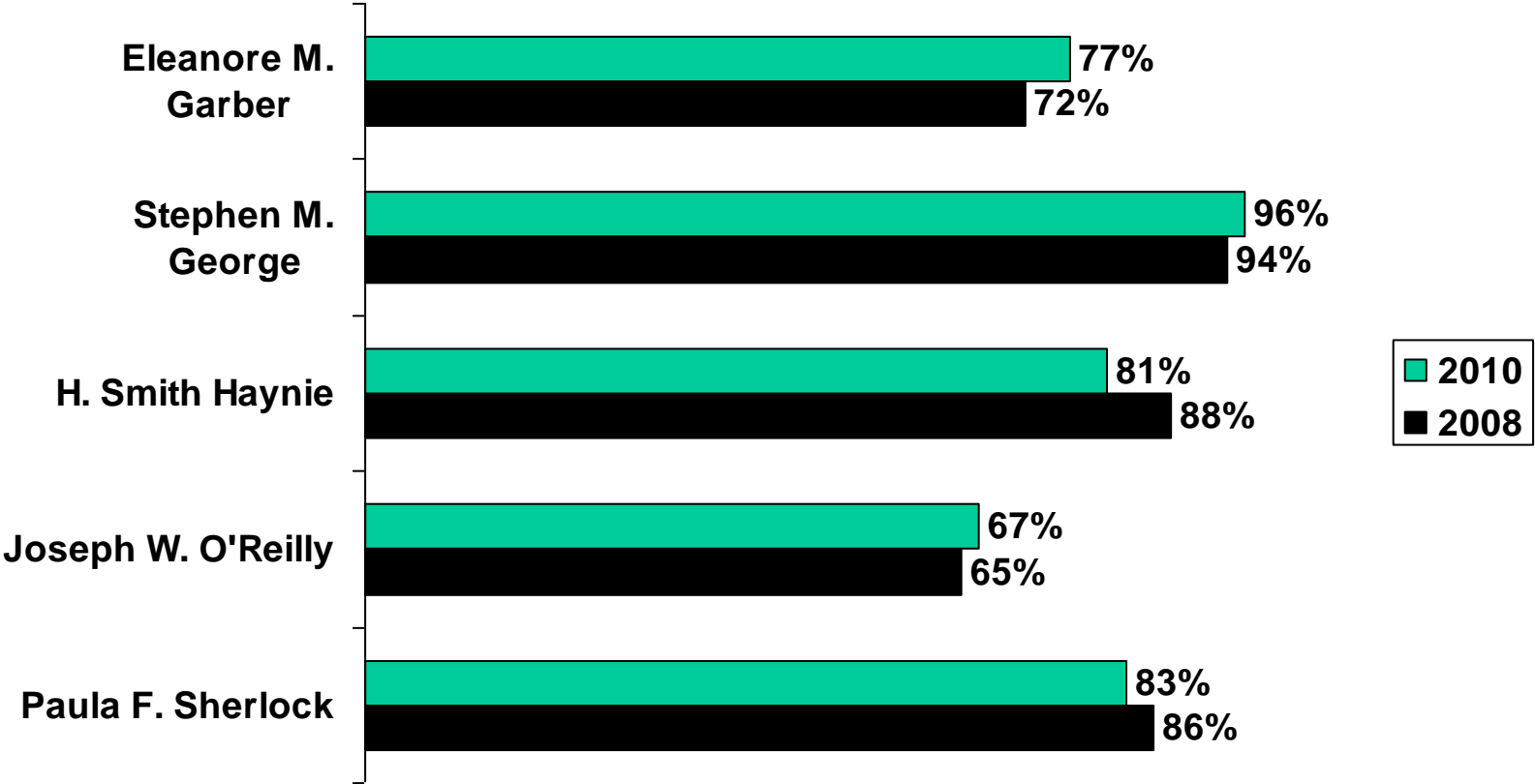


Note: Judge A. Shake and Judge Mershon were not evaluated in 2008.

Judicial Temperament – Jefferson Family Court



Judicial Temperament – Jefferson Family Court

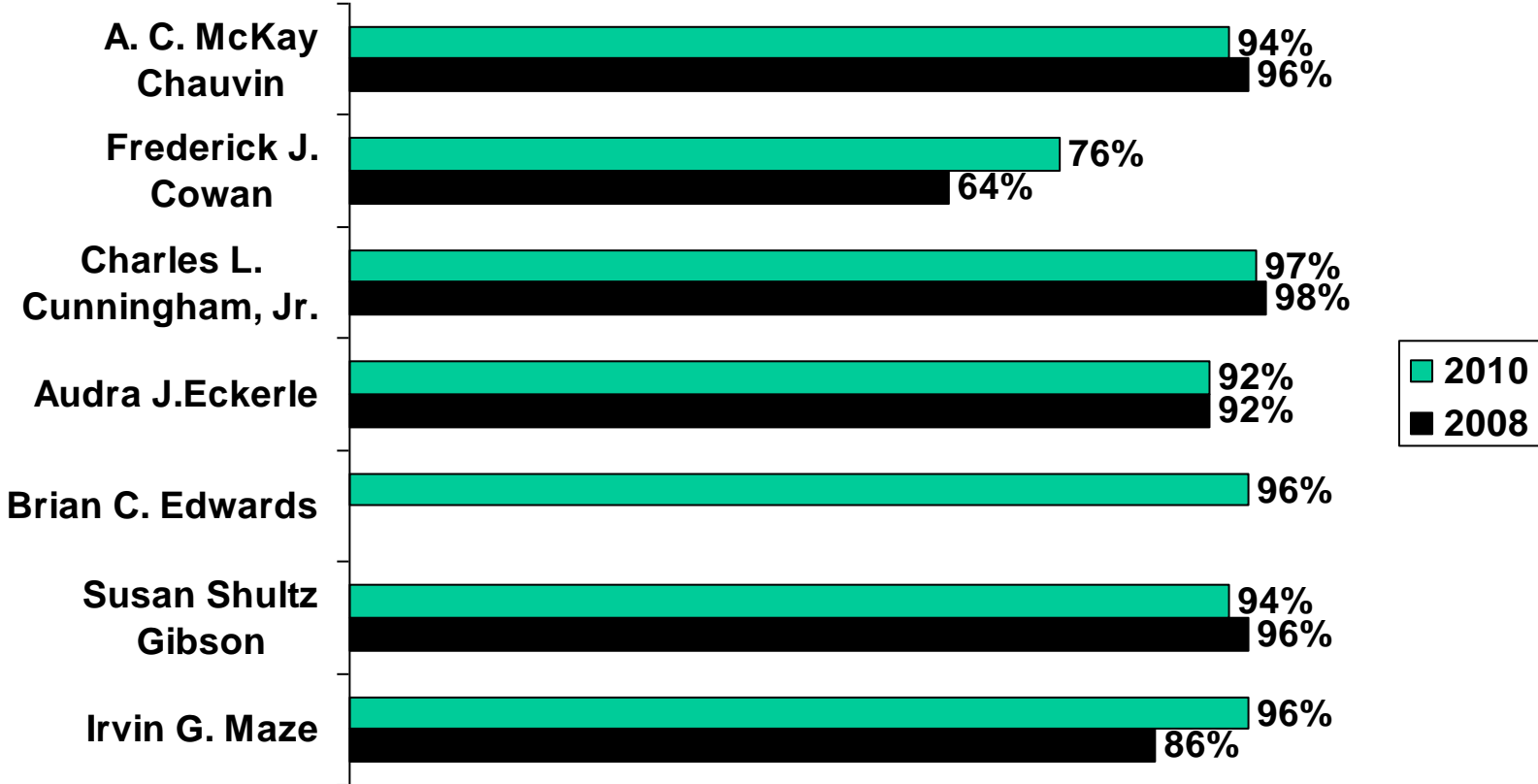


Court Management Ratings

An average rating was calculated for the performance attributes that make up the Court Management category. This rating was calculated by averaging the positive ratings for each attribute (“agree” and “strongly agree”). The performance areas under Court Management are:

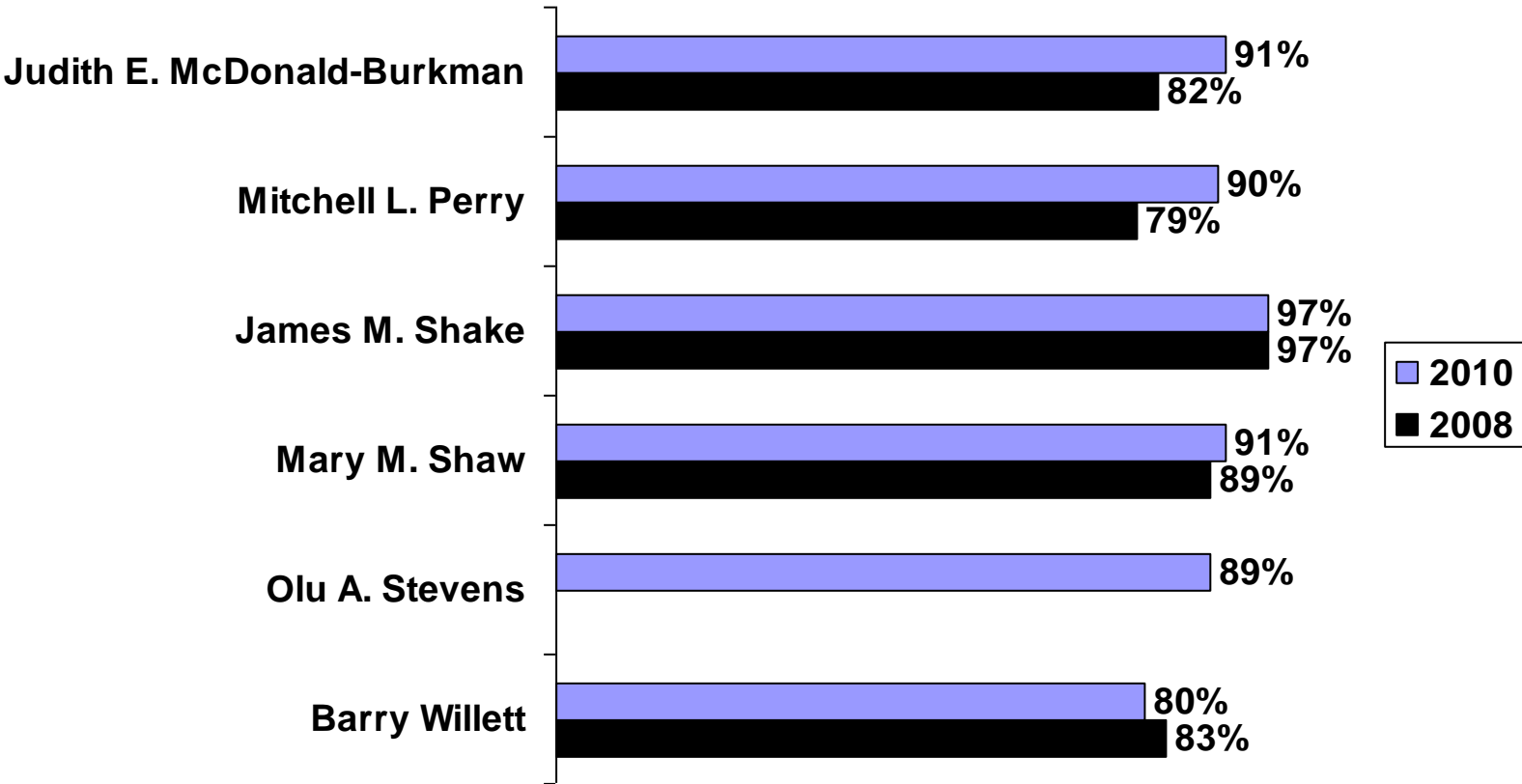
- Conducts court business in a timely manner.
- Is usually available for business during normal working hours.
- Is familiar with the file so as to consider issues presented.
- Exercises appropriate control over court proceedings and court personnel.

Court Management – Jefferson Circuit Court



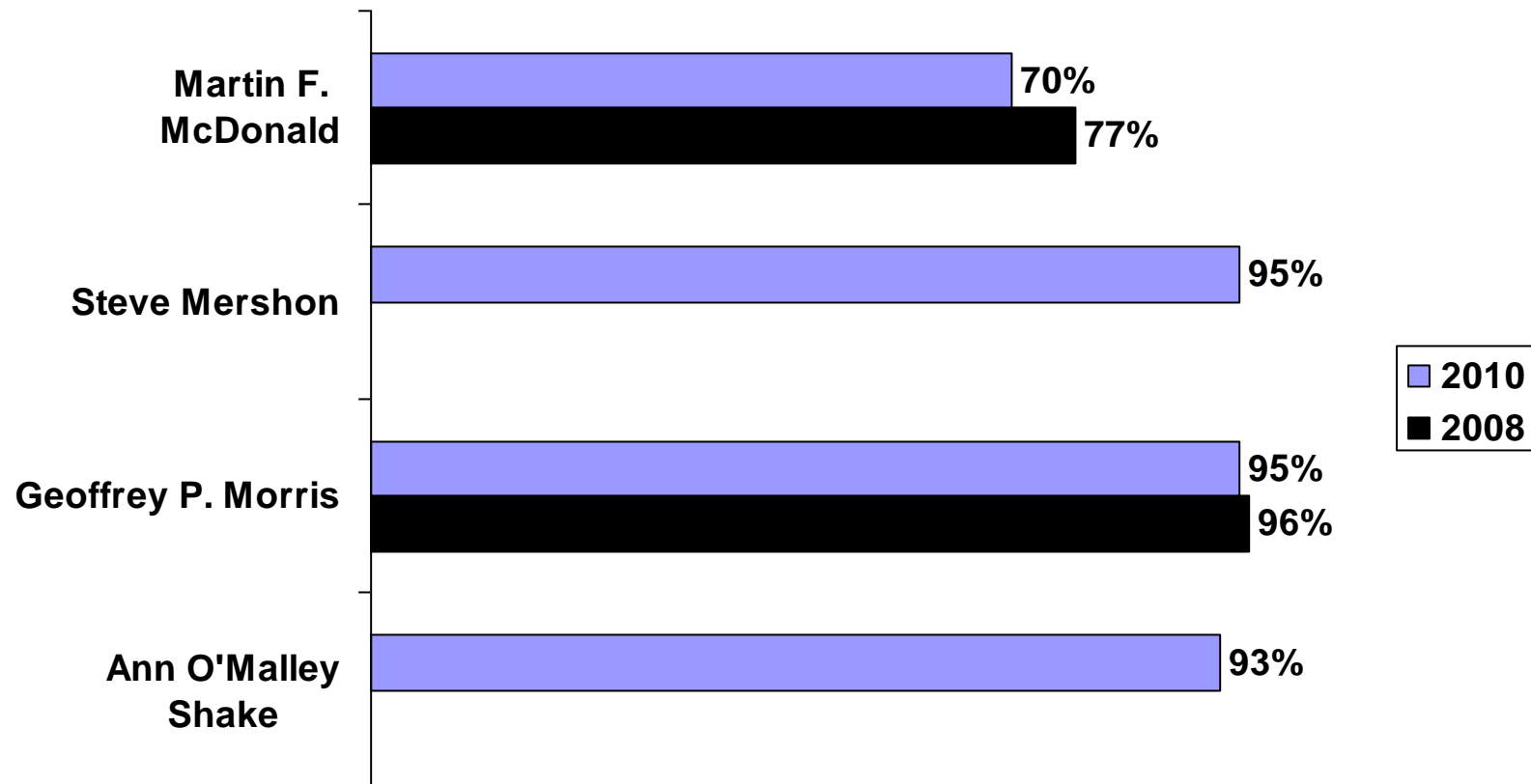
Note: Judge Edwards was not evaluated in 2008.

Court Management – Jefferson Circuit Court (Continued)



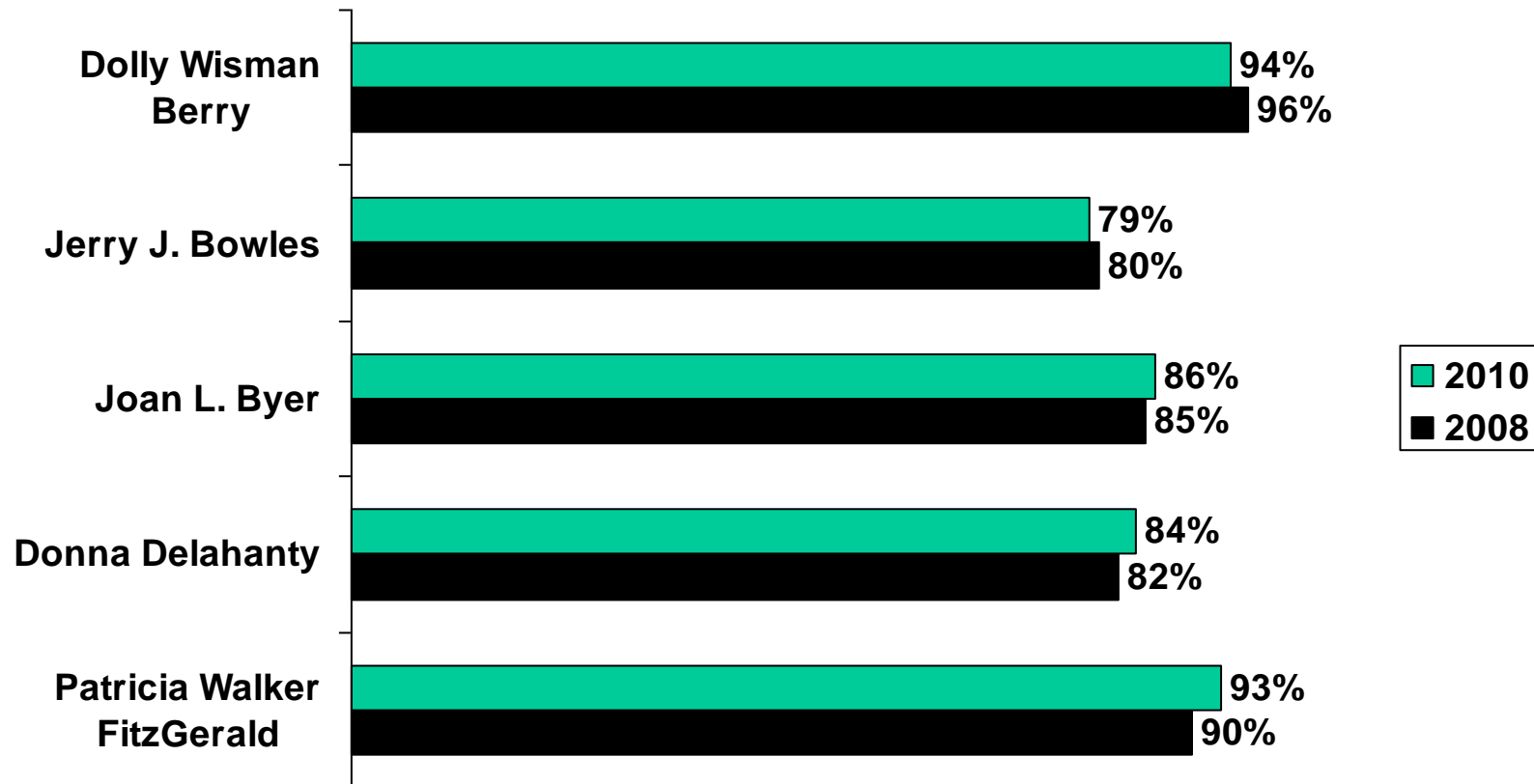
Note: Judge Stevens was not evaluated in 2008.

Court Management – Jefferson Circuit Court – Senior Status

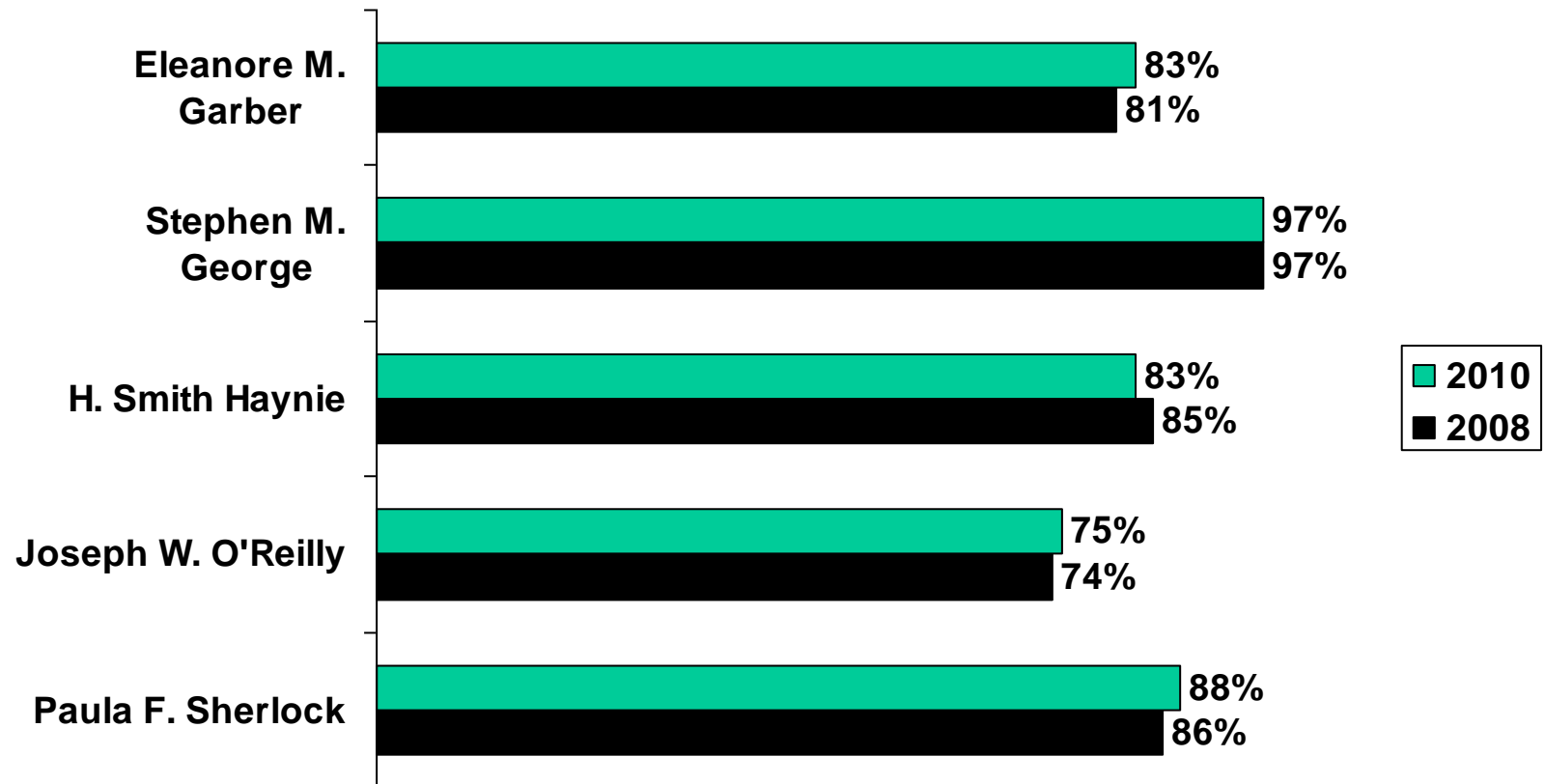


Note: Judge A. Shake and Judge Mershon were not evaluated in 2008.

Court Management – Jefferson Family Court



Court Management – Jefferson Family Court (Continued)

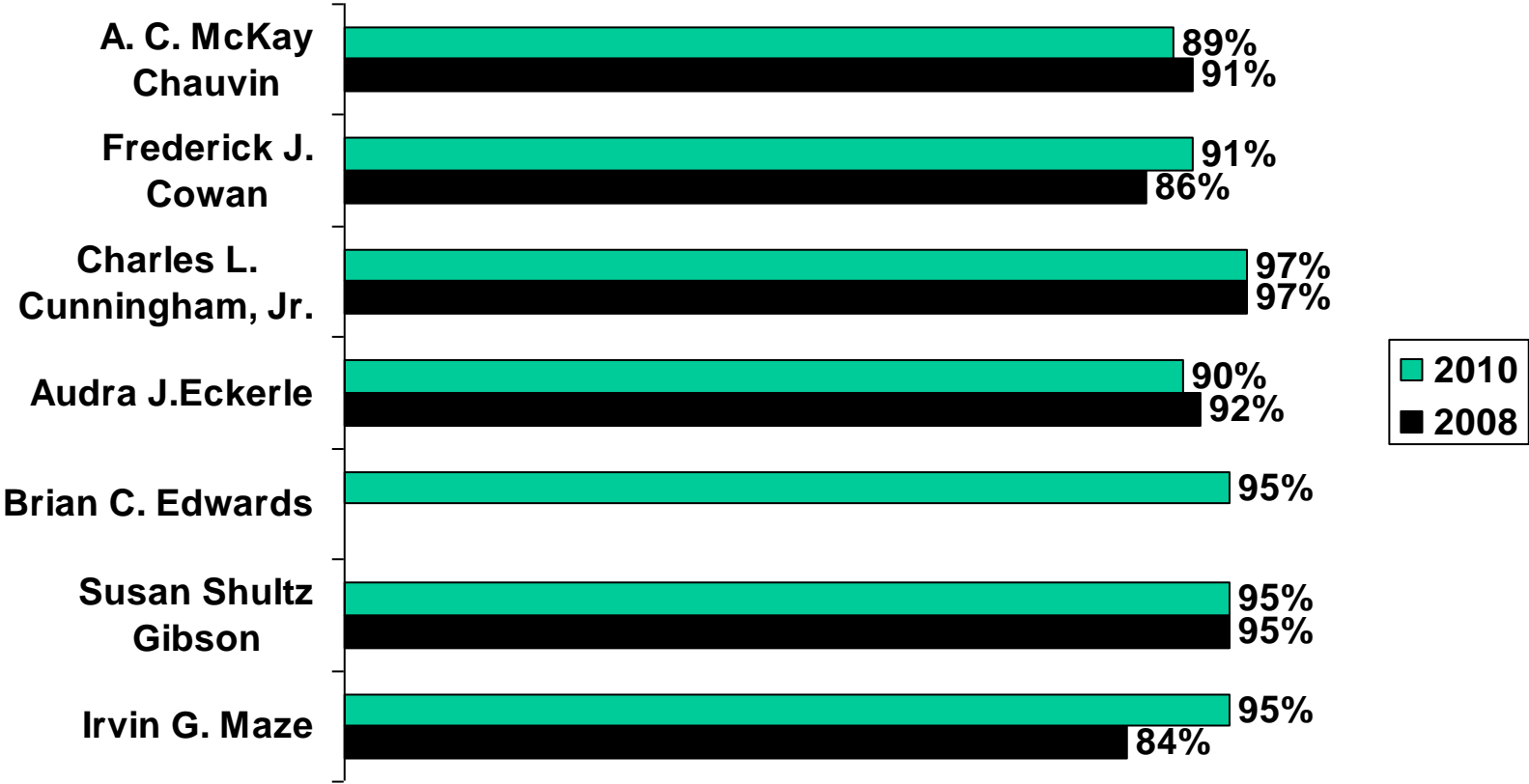


Judicial Integrity Ratings

An average rating was calculated for the performance attributes that make up the Judicial Integrity category. This rating was calculated by averaging the positive ratings for each attribute (“strongly disagree” and “disagree” for negative statements, “agree” and “strongly agree” for positive statements). The performance areas under Judicial Integrity are:

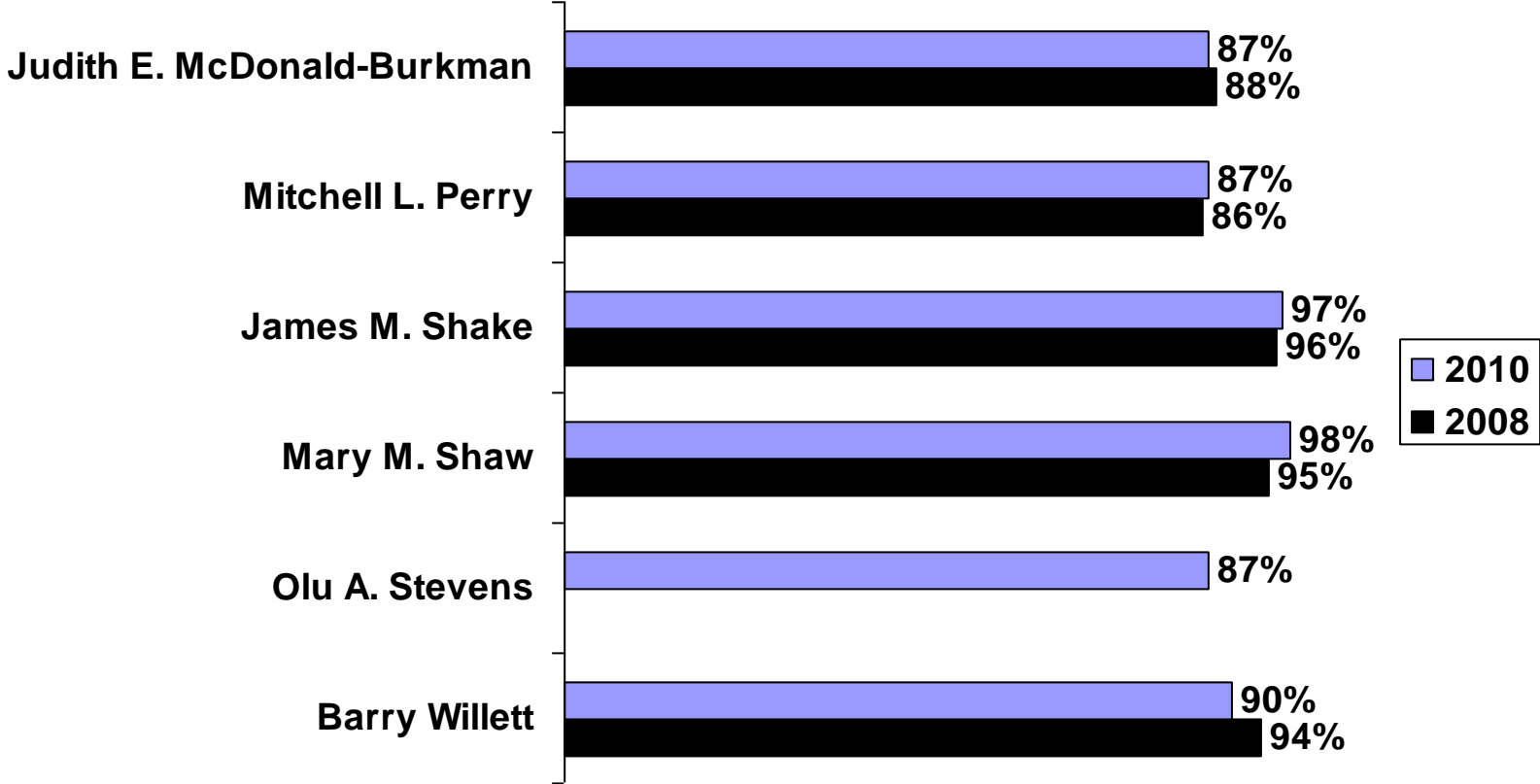
- Is influenced by the race, gender, religion, national origin, disability, age, sexual orientation, or socio-economic status of persons appearing in court.
- Engages in out-of-court conduct or activity which directly interferes with judicial effectiveness.
- Is affected by partisan interests in the conduct of the court.
- Engages in *ex parte* communications which may prejudice proceedings.
- Lets personal relationships affect his/her judgment.
- Adheres to the highest ethical standards in and out of court.

Judicial Integrity – Jefferson Circuit Court



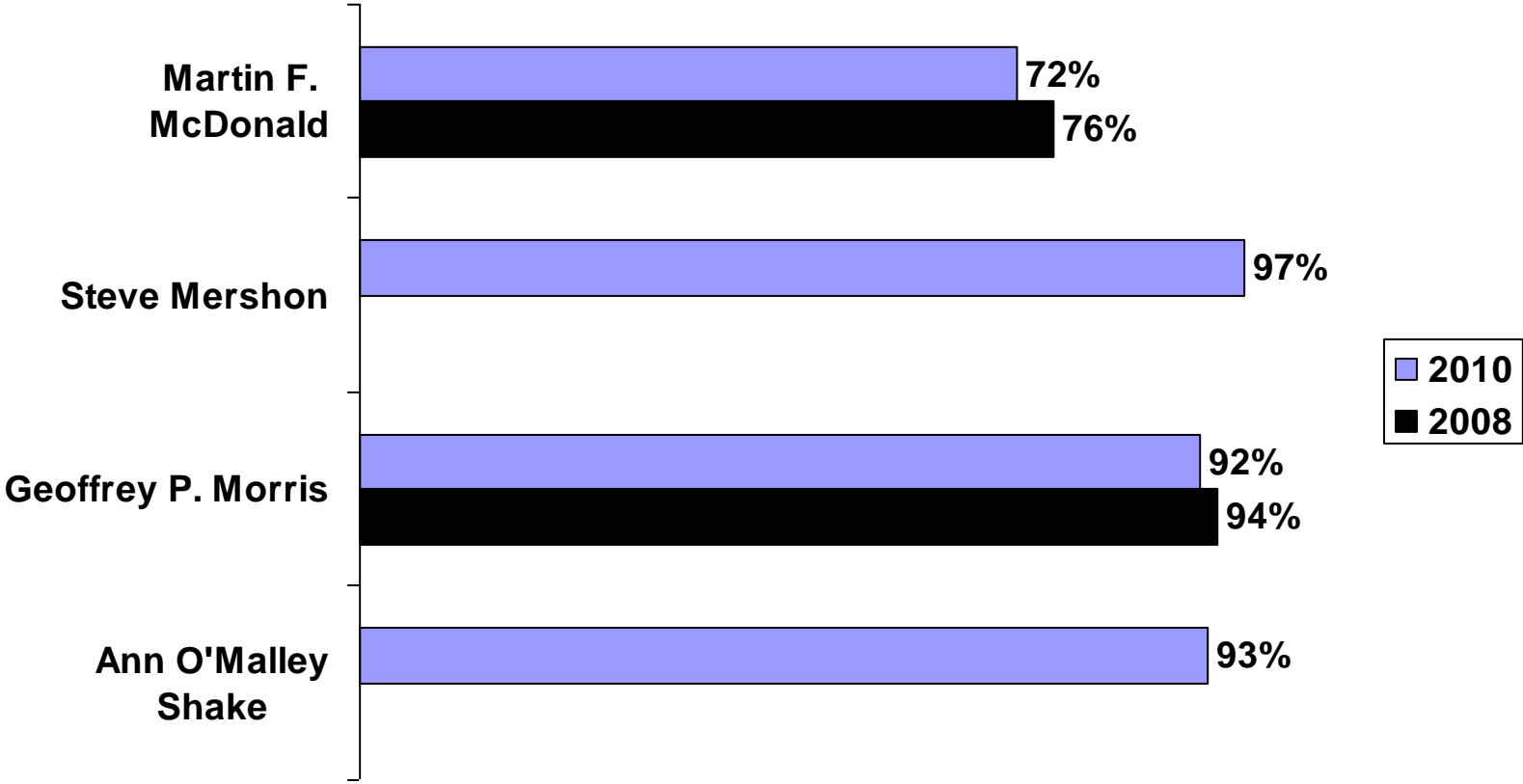
Note: Judge Edwards was not evaluated in 2008.

Judicial Integrity – Jefferson Circuit Court (Continued)



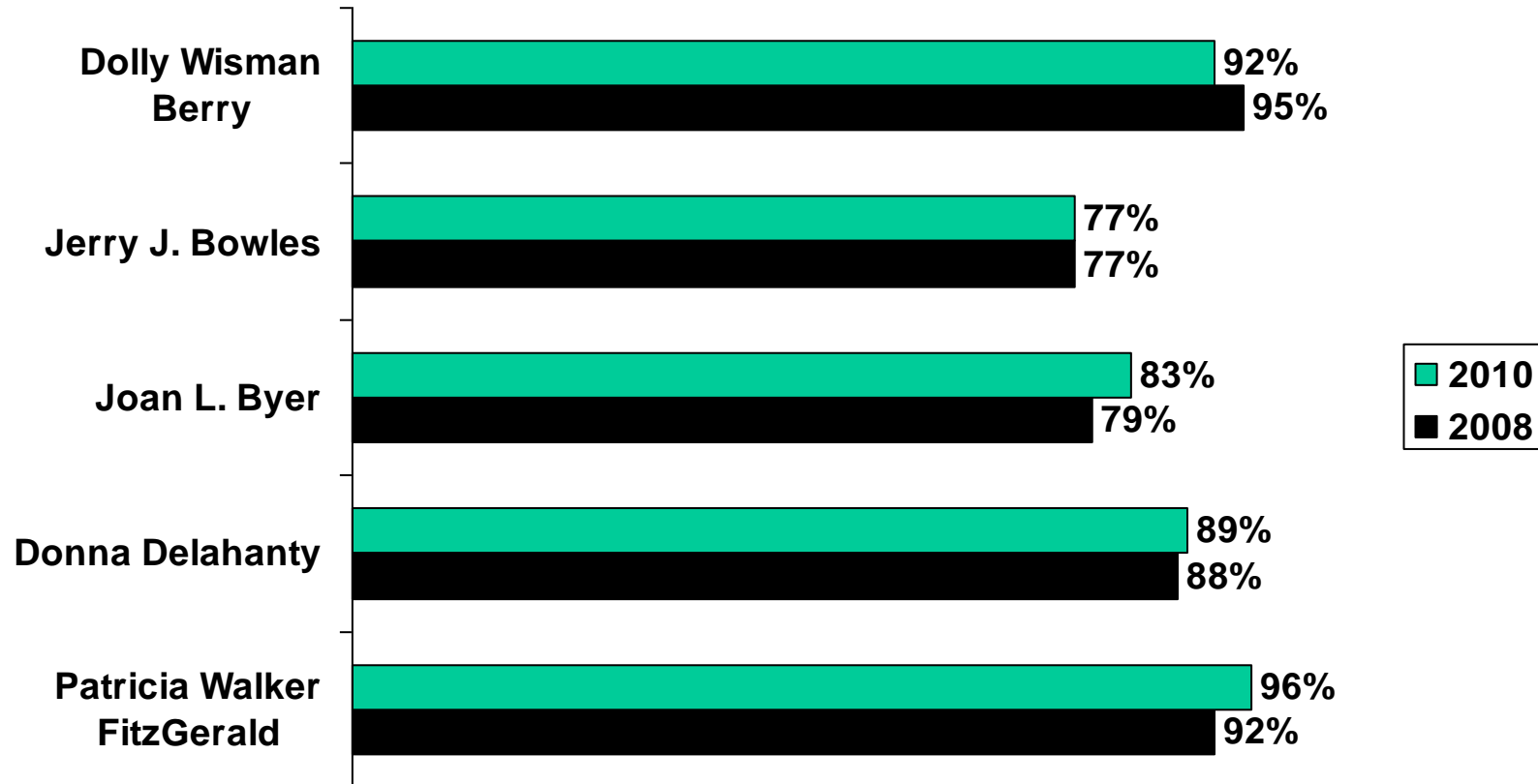
Note: Judge Stevens was not evaluated in 2008.

Judicial Integrity – Jefferson Circuit Court – Senior Status



Note: Judge A. Shake and Judge Mershon were not evaluated in 2008.

Judicial Integrity – Jefferson Family Court



Judicial Integrity – Jefferson Family Court (Continued)

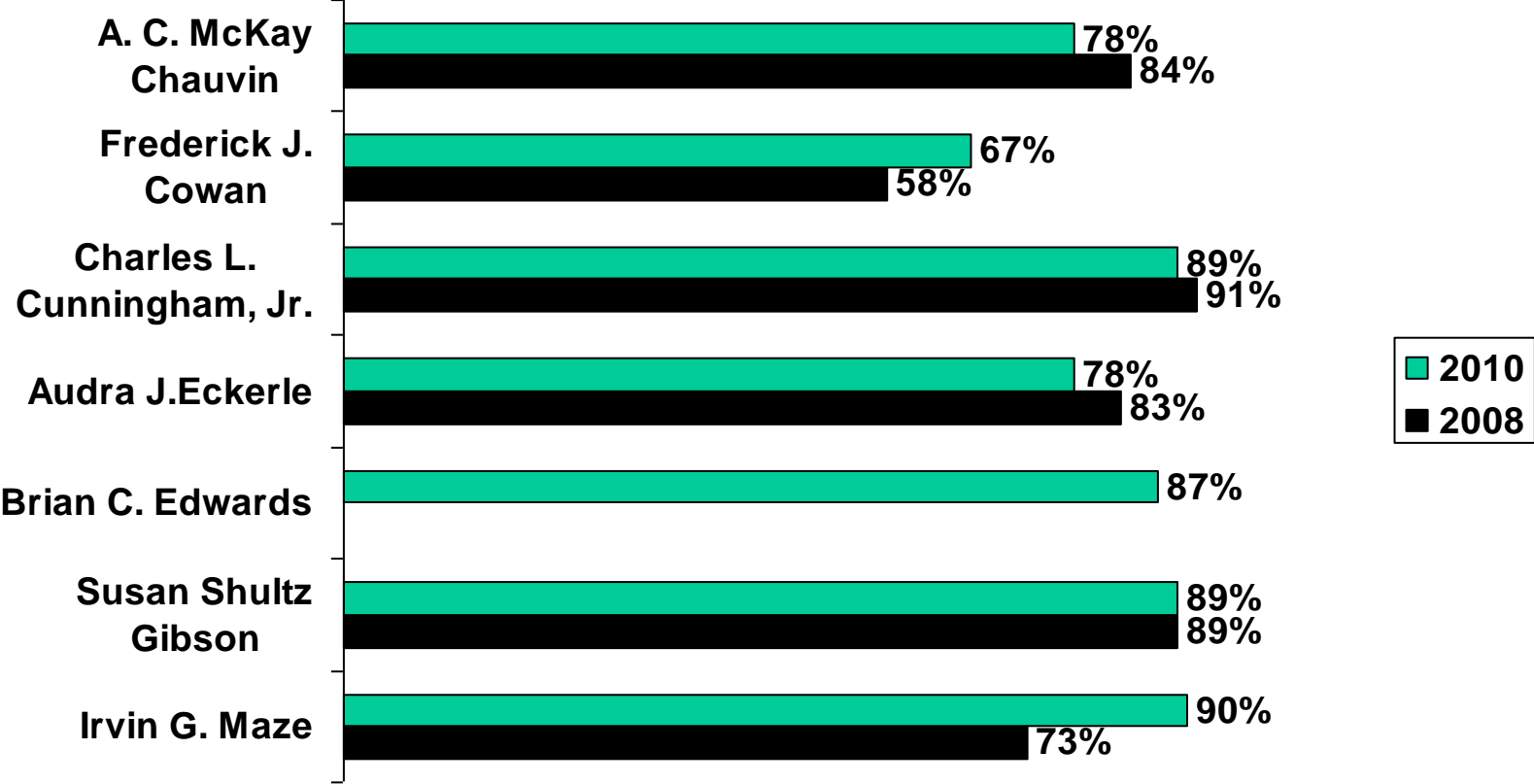


Legal Ability Ratings

The following charts show the level of agreement with the following statement for each judge:

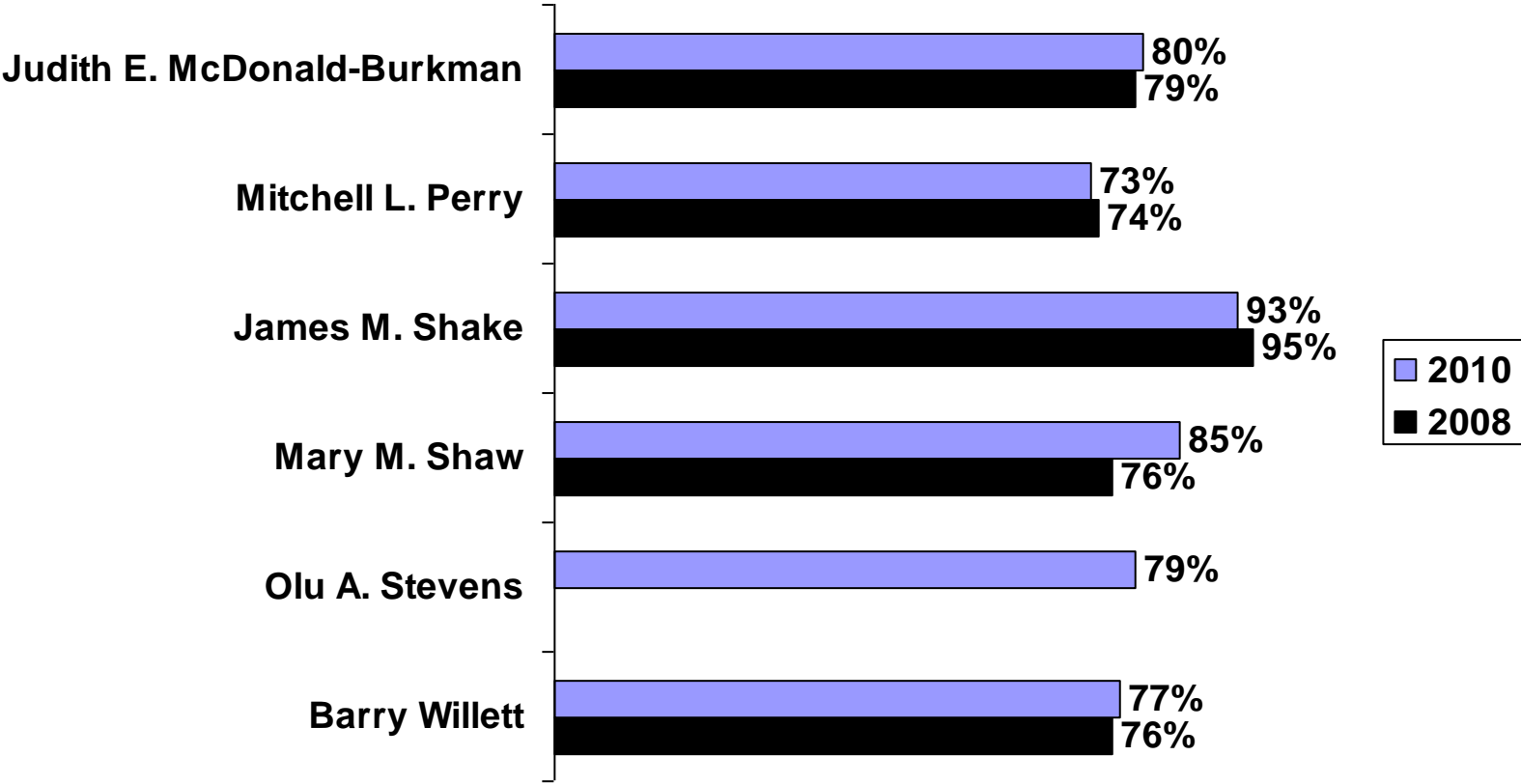
- Renders decisions that reflect sound legal analysis.

Legal Ability – Jefferson Circuit Court



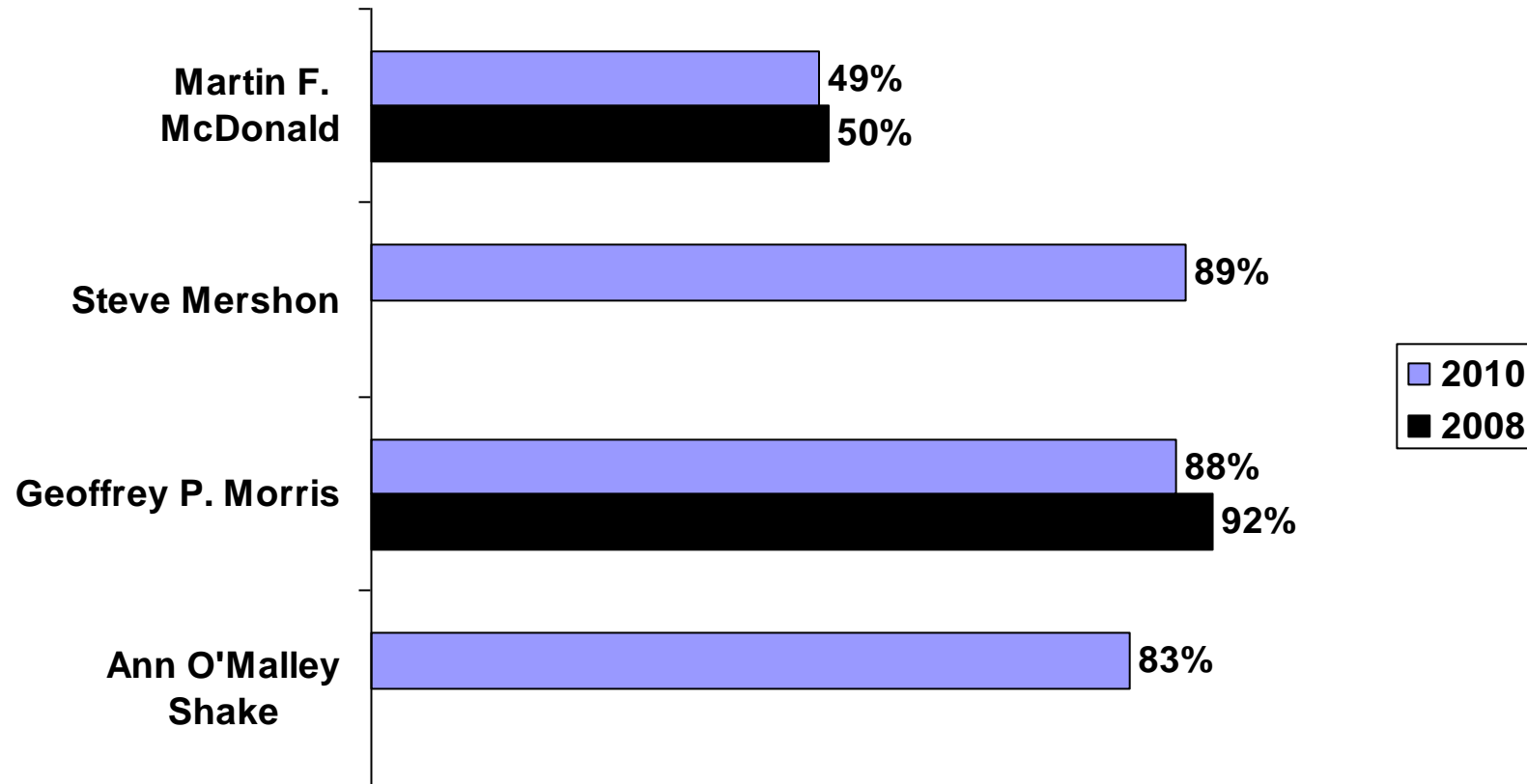
Note: Judge Edwards was not evaluated in 2008.

Legal Ability – Jefferson Circuit Court (Continued)



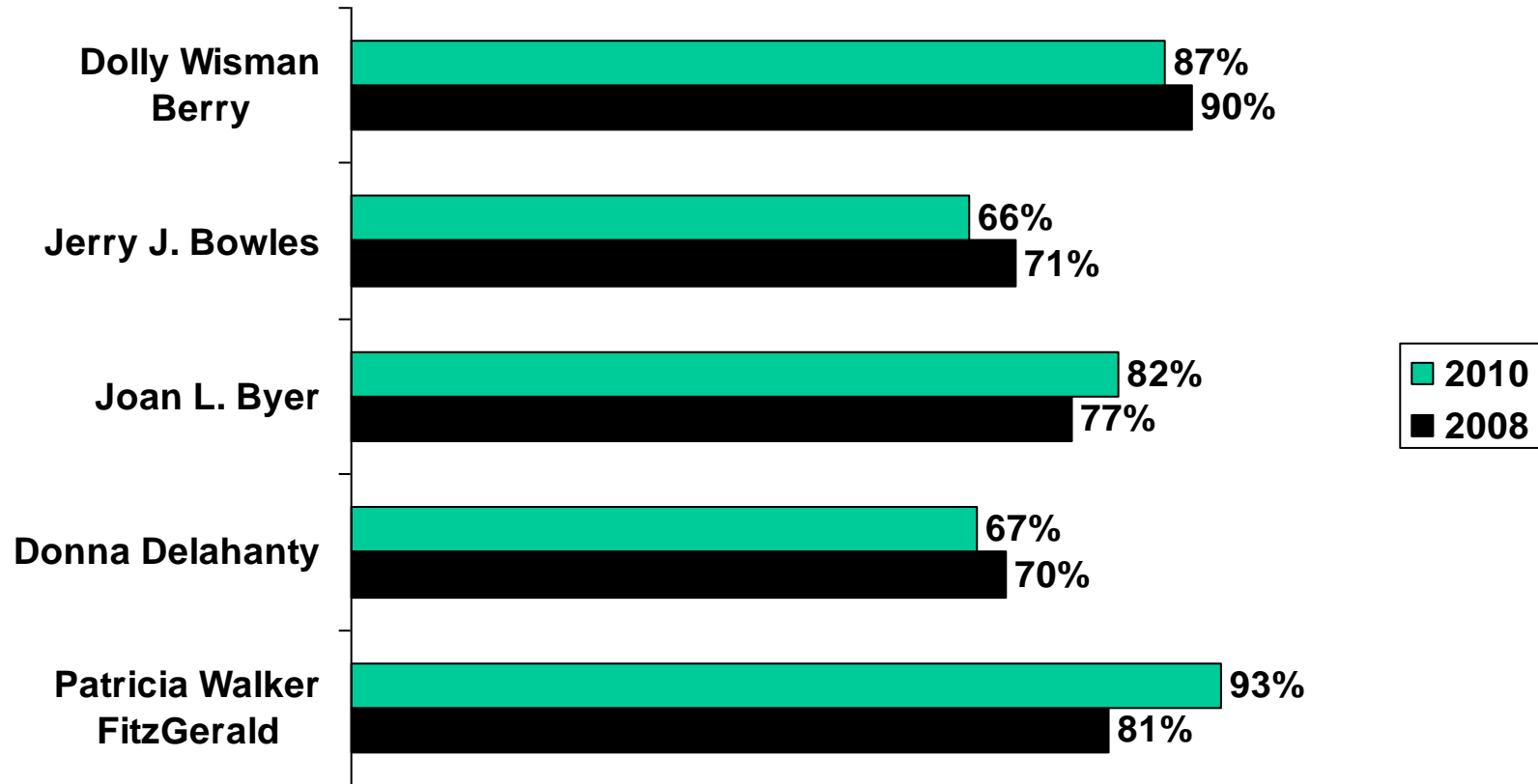
Note: Judge Stevens was not evaluated in 2008.

Legal Ability – Jefferson Circuit Court – Senior Status

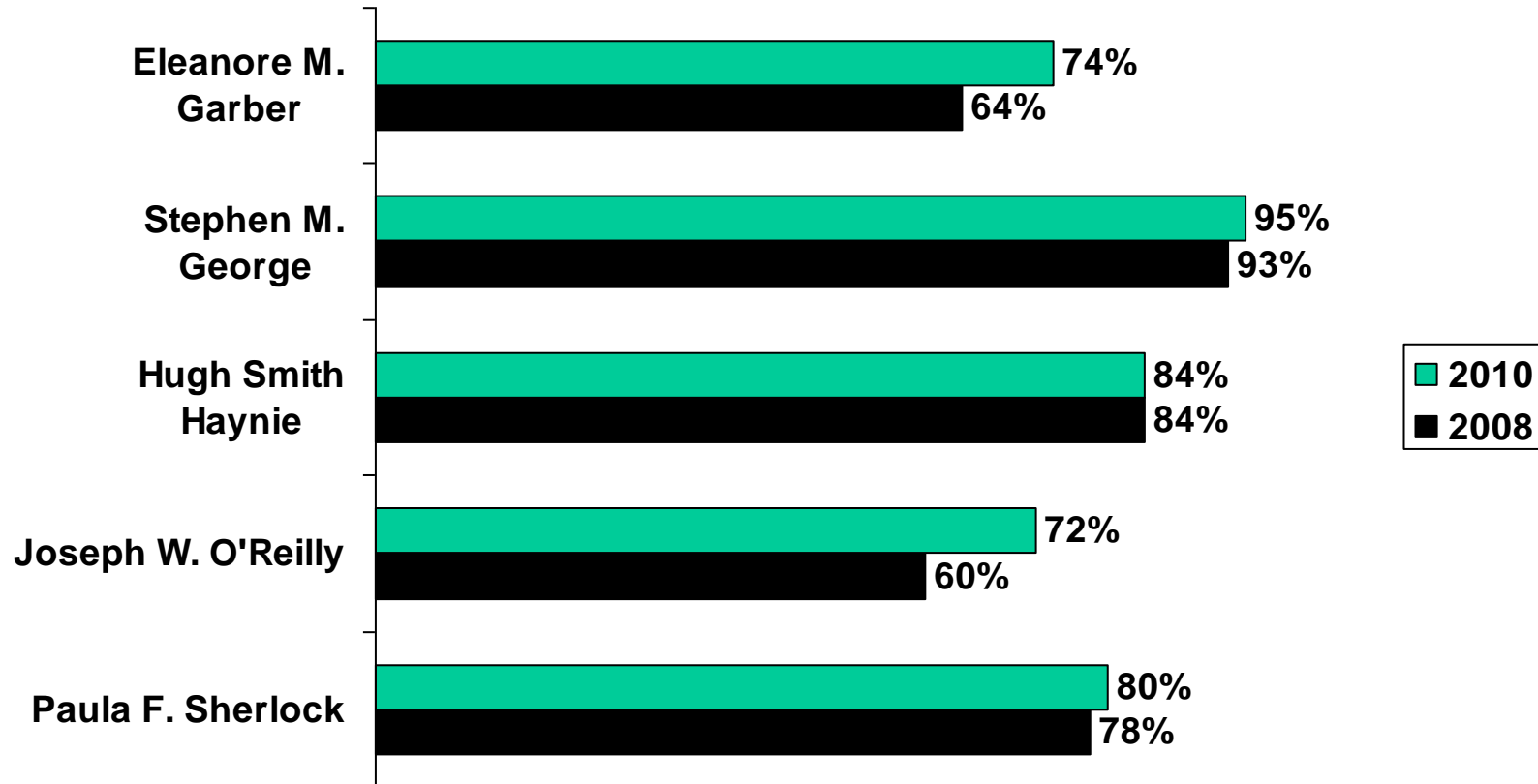


Note: Judge A. Shake and Judge Mershon were not evaluated in 2008.

Legal Ability – Jefferson Family Court



Legal Ability – Jefferson Family Court (Continued)

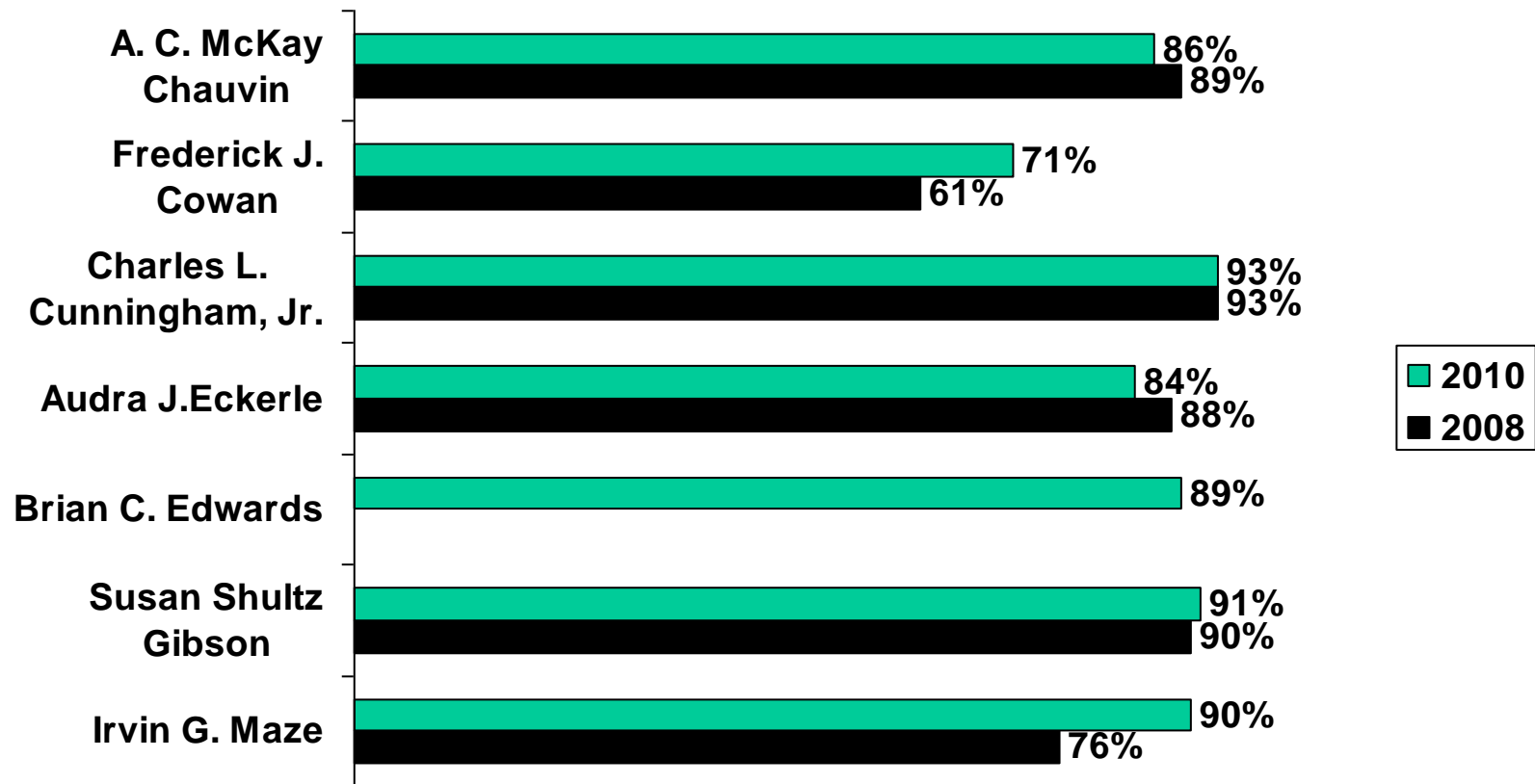


Civil Cases Ratings

The following charts show the level of agreement with the following statement for each judge:

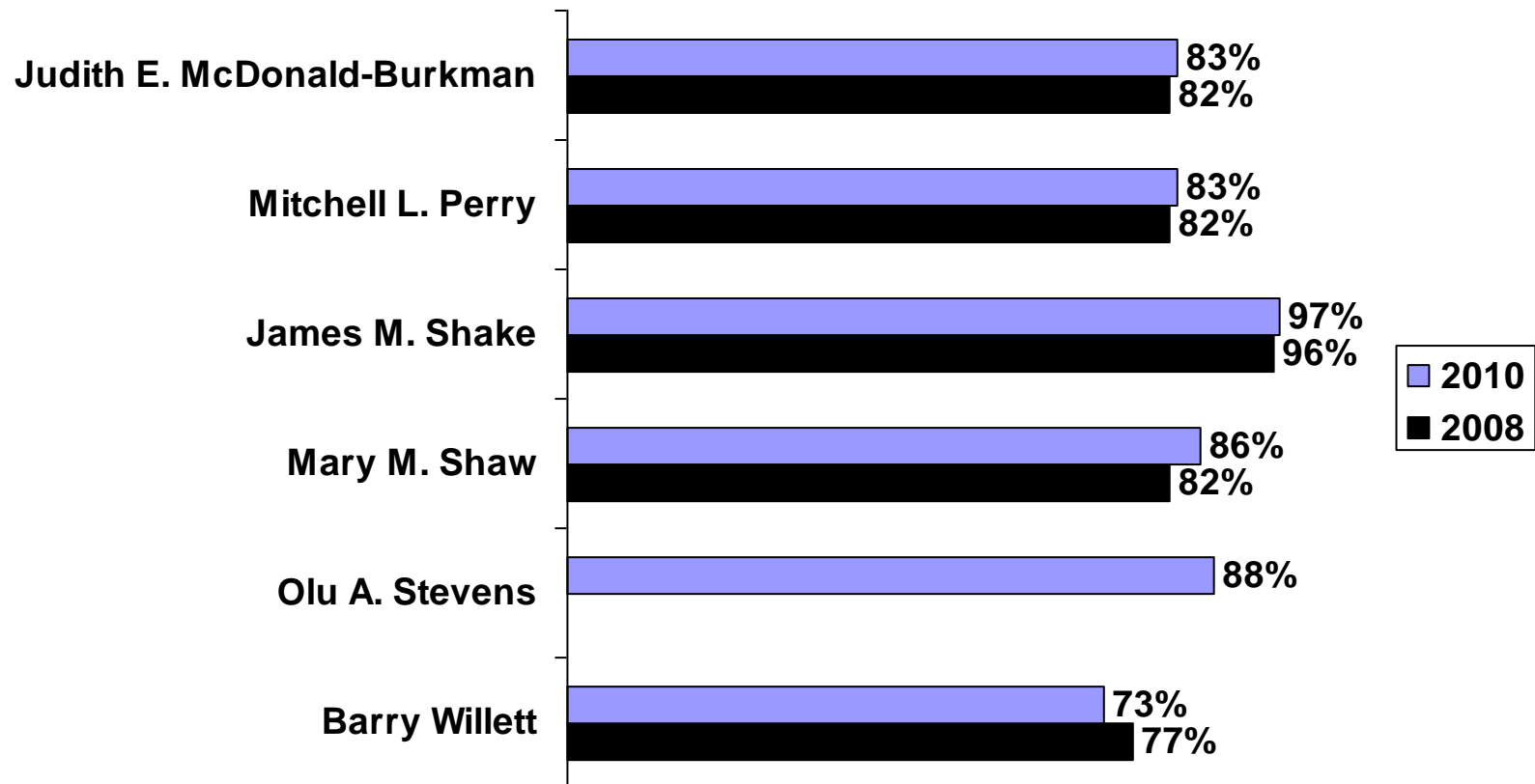
- Does a good job in handling civil cases.

Civil Cases – Jefferson Circuit Court



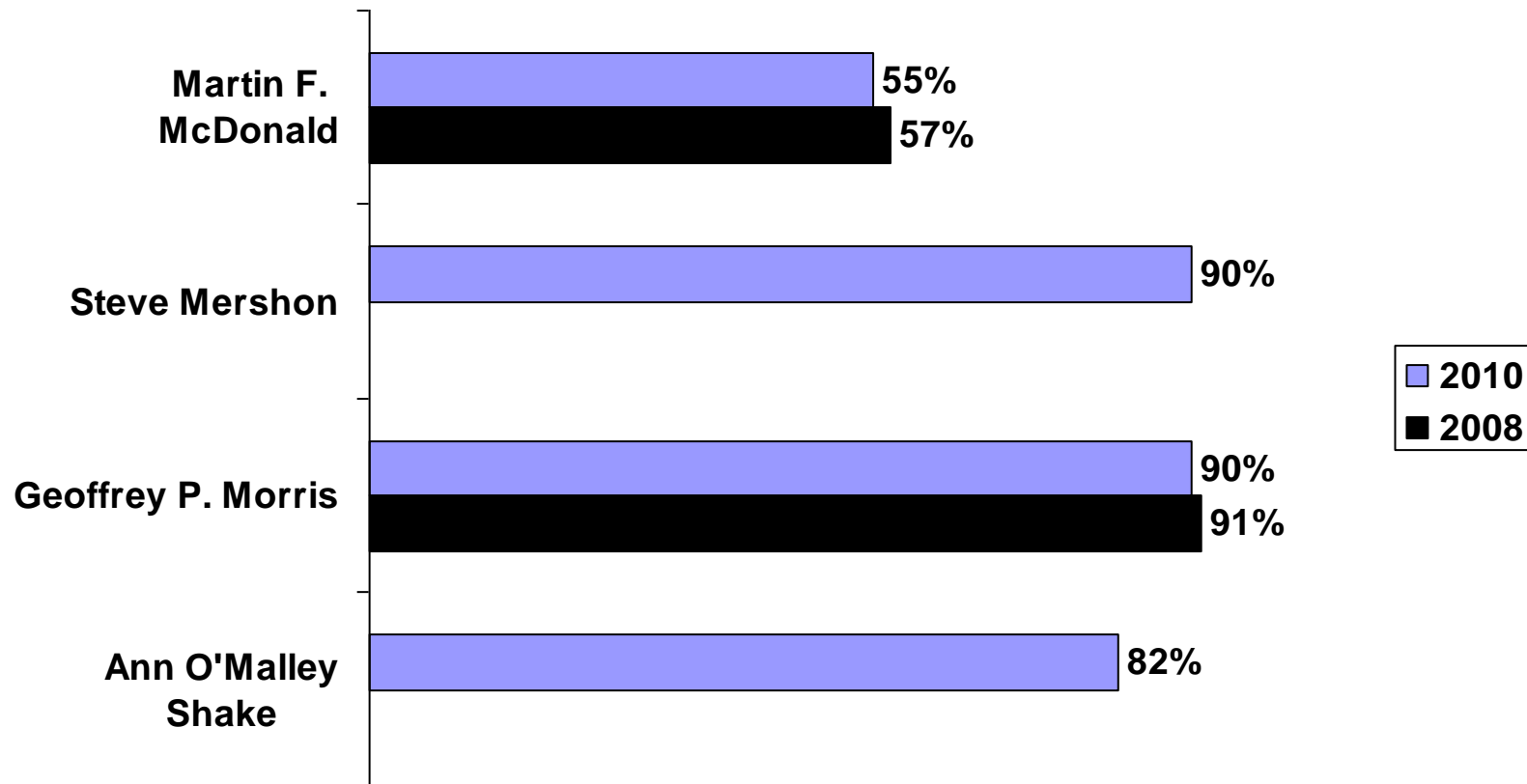
Note: Judge Edwards was not evaluated in 2008.

Civil Cases – Jefferson Circuit Court (Continued)



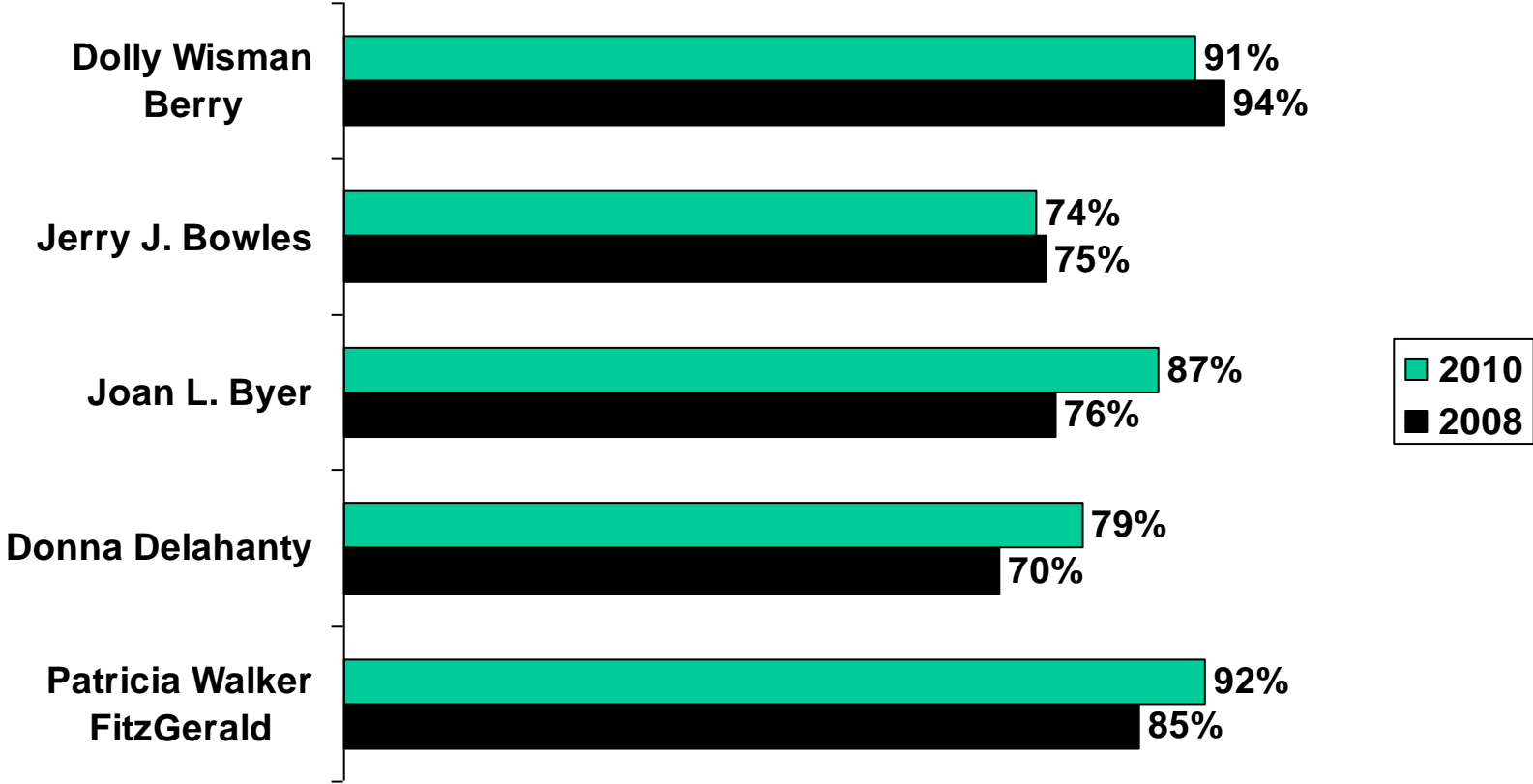
Note: Judge Stevens was not evaluated in 2008.

Civil Cases – Jefferson Circuit Court – Senior Status

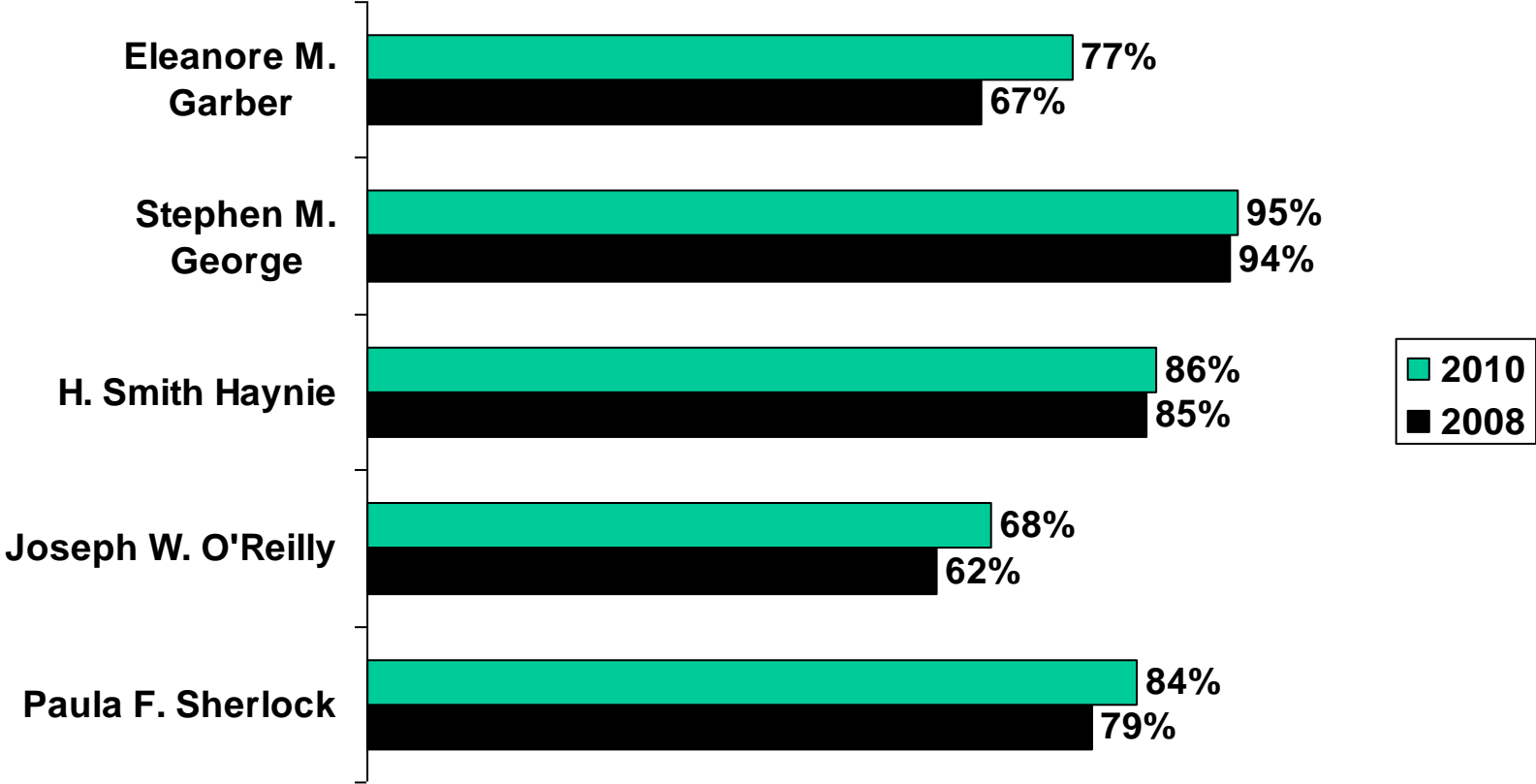


Note: Judge A. Shake and Judge Mershon were not evaluated in 2008.

Civil Cases – Jefferson Family Court



Civil Case – Jefferson Family Court (Continued)



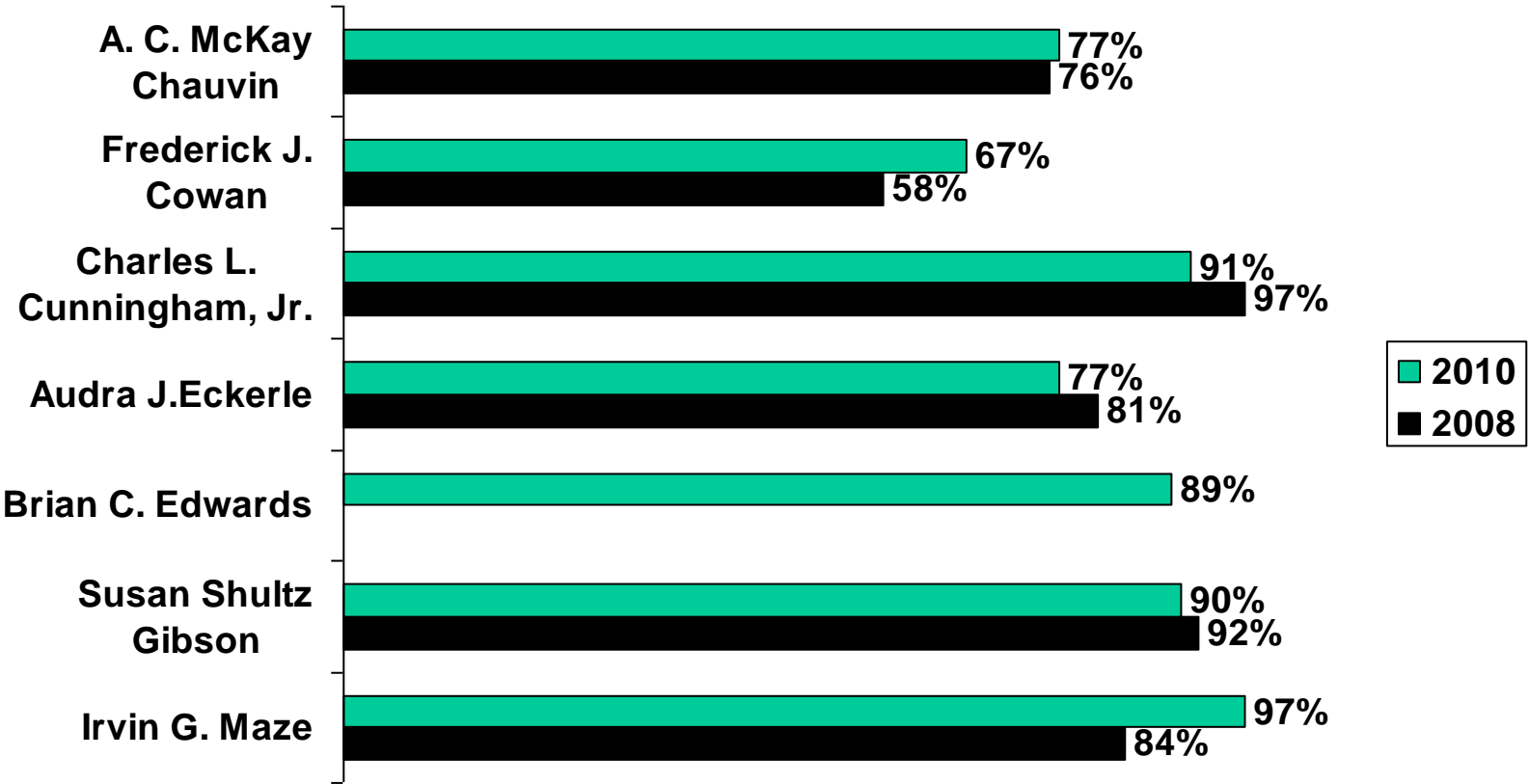
Criminal Cases Ratings

The following charts show the level of agreement with the following statement for each judge:

- Does a good job in handling criminal cases.

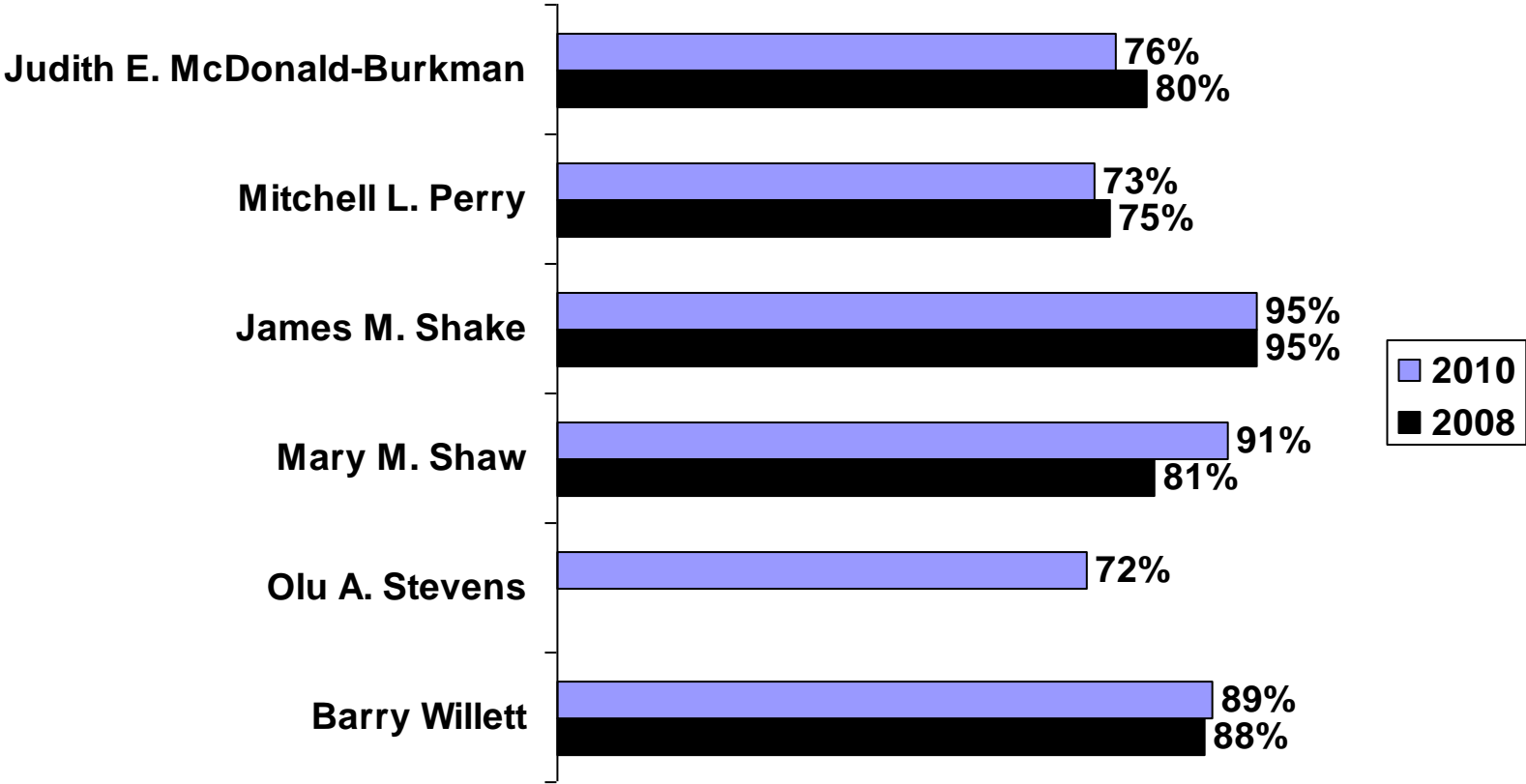
Note: *Family Court Judges were not evaluated on criminal cases.*

Criminal Cases – Jefferson Circuit Court



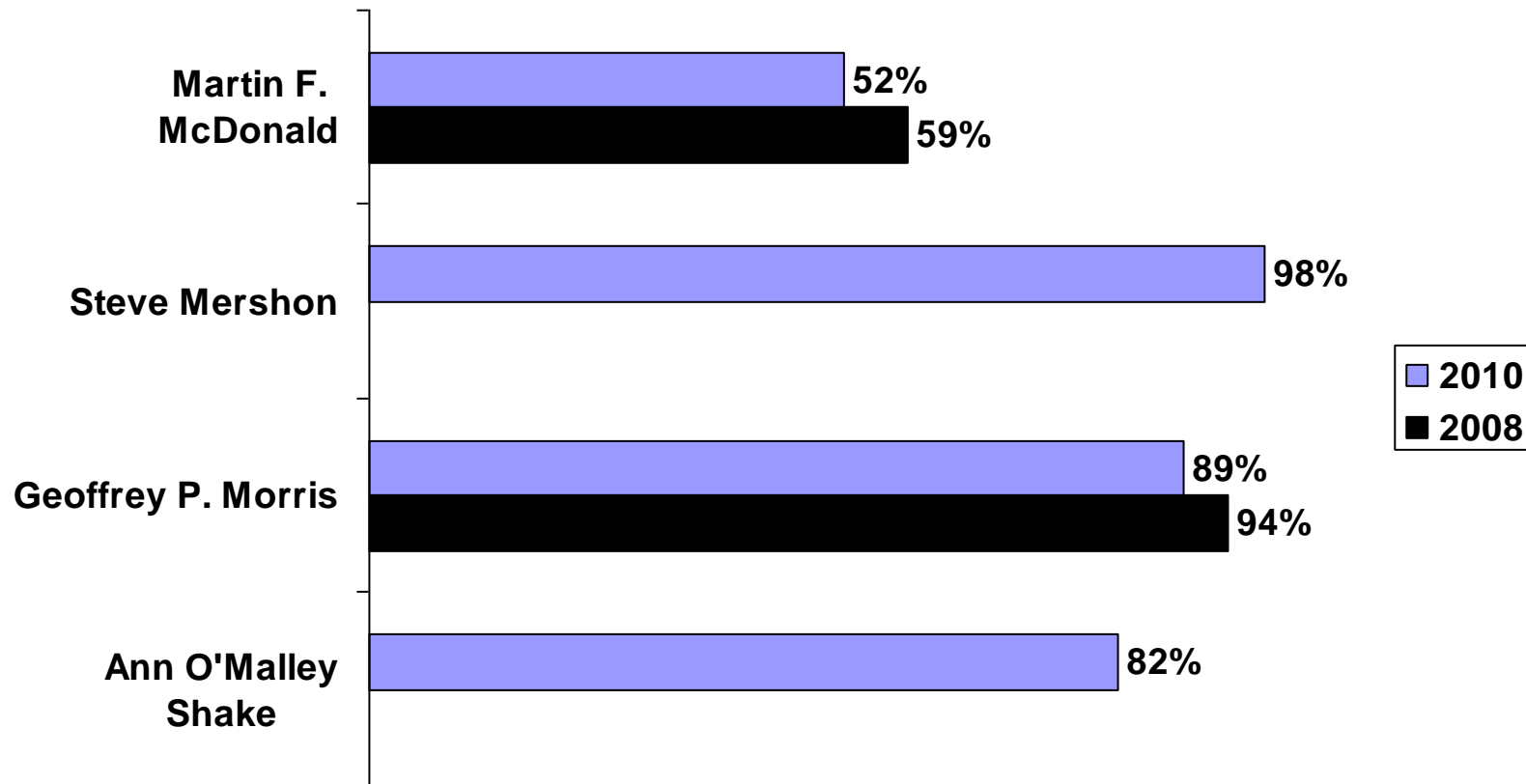
Note: Judge Edwards was not evaluated in 2008.

Criminal Cases – Jefferson Circuit Court (Continued)



Note: Judge Stevens was not evaluated in 2008.

Criminal Cases – Jefferson Circuit Court – Senior Status



Note: Judge A. Shake and Judge Mershon were not evaluated in 2008.

