

Evaluation of the Judiciary Serving Jefferson County, KY

*United States District Court for the Western District of Kentucky,
United States Bankruptcy Court for the Western District of Kentucky,
Magistrates for the Western District of Kentucky,
Jefferson District Court and Jefferson District Court – Senior Status*

Comparison of Judges Summary Report



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

**2009 Evaluation
Reported in 2010**



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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 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. Judges included in the 2009 evaluation were those serving on United States District Court for the Western District of Kentucky, United States Bankruptcy Court for the Western District of Kentucky, and Jefferson District Court. Also included in the 2009 evaluation were Magistrates for the Western District of Kentucky and Senior Status judges serving Jefferson District Court.

Methodology

In October 2009, letters and postcards were sent to 4,082 LBA 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 October 16. A total of 581 postcard requests were received by the postmark date. Survey packets and return envelopes were mailed to the 581 members in mid-November. 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 December 11, 2009. A total of 329 completed survey forms were returned by the postmark date.

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 4,082 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 2009 evaluation and the total number of respondents rating each judge are shown below:

United States District Court for the Western District of Kentucky

- Jennifer B. Coffman (n = 71)
- Charles R. Simpson III (n = 85)
- John G. Heyburn II (n = 118)
- Thomas B. Russell (n = 65)

United States Bankruptcy Court for the Western District of Kentucky

- Thomas H. Fulton (n = 52)
- Joan A. Lloyd (n = 56)
- David T. Stosberg (n = 57)

Magistrates for the Western District of Kentucky

- James D. Moyer (n = 111)
- Dave Whalin (n = 86)

Jefferson District Court

- Donald E. Armstrong Jr. (n = 164)
- Sheila A. Collins (n = 141)
- Anne Leitsch Haynie (n = 173)
- Claude R. Prather (n = 123)
- Angela McCormick Bisig (n = 140)
- Sean R. Delahanty (n = 162)
- Annette C. Karem (n = 105)
- Ann Bailey Smith (n = 117)
- David P. Bowles (n = 131)
- Jacquelyn P. Eckert (n = 127)
- Kathryn R. King (n = 138)
- Michele B. Stengel (n = 117)

Jefferson District Court – Senior Status

- Judith K. Bartholomew (n = 127)
- Matthew K. Eckert (n = 104)
- William P. Ryan Jr. (n = 132)
- Kevin W. Delahanty (n = 117)
- Paula Fitzgerald (n = 123)
- Joan A. “Toni” Stringer (n = 115)
- Deborah J. Deweese (n = 104)
- Janice R. Martin (n = 126)

Questionnaire

The survey instrument included a series of 19 attributes (17 attributes for United States Bankruptcy Court judges and Magistrates). 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 2007.





General Satisfaction with Performance

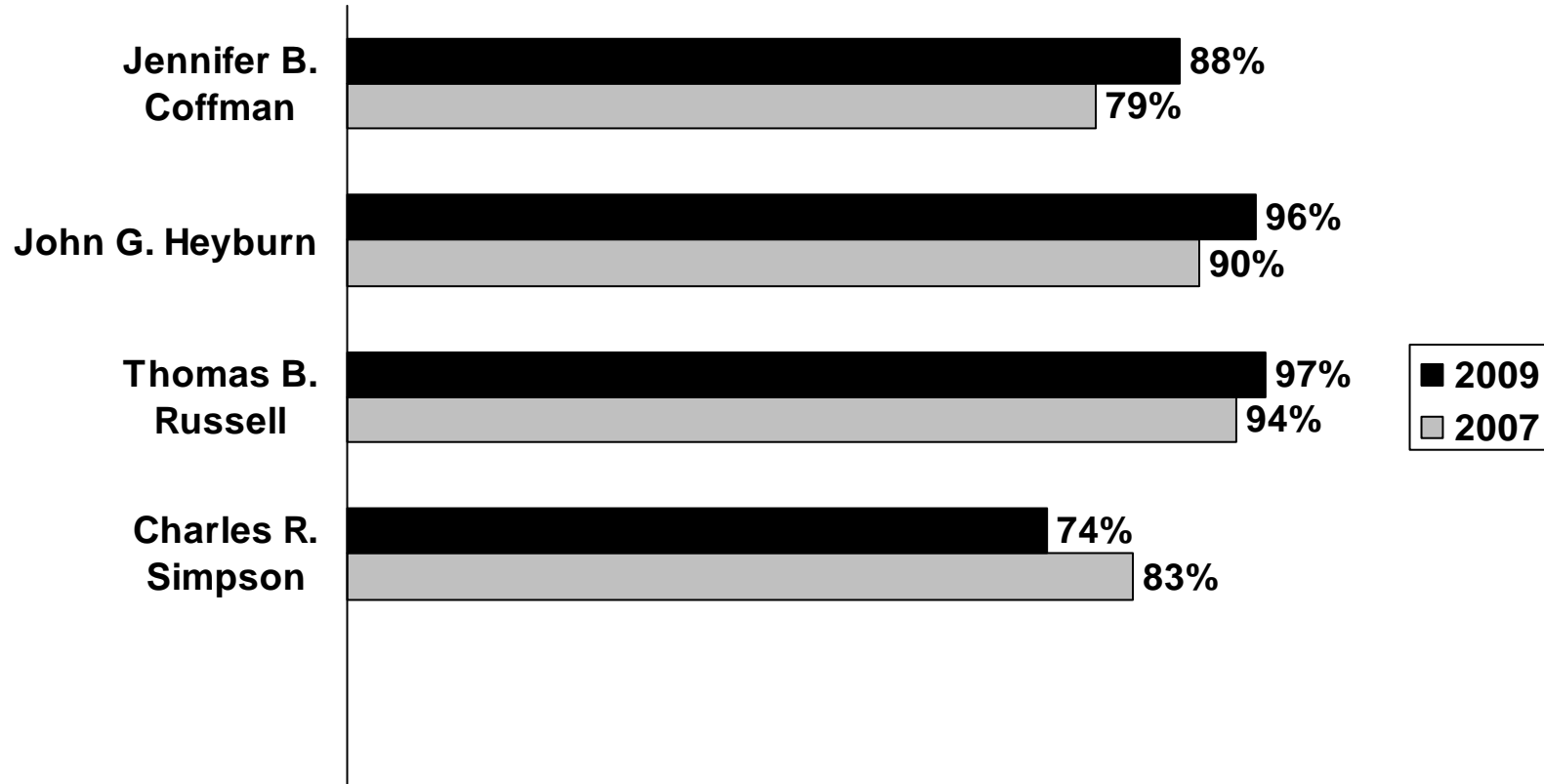
The rating for this category is based on the level of agreement with the following statement for each judge:

- Does a good job overall.

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

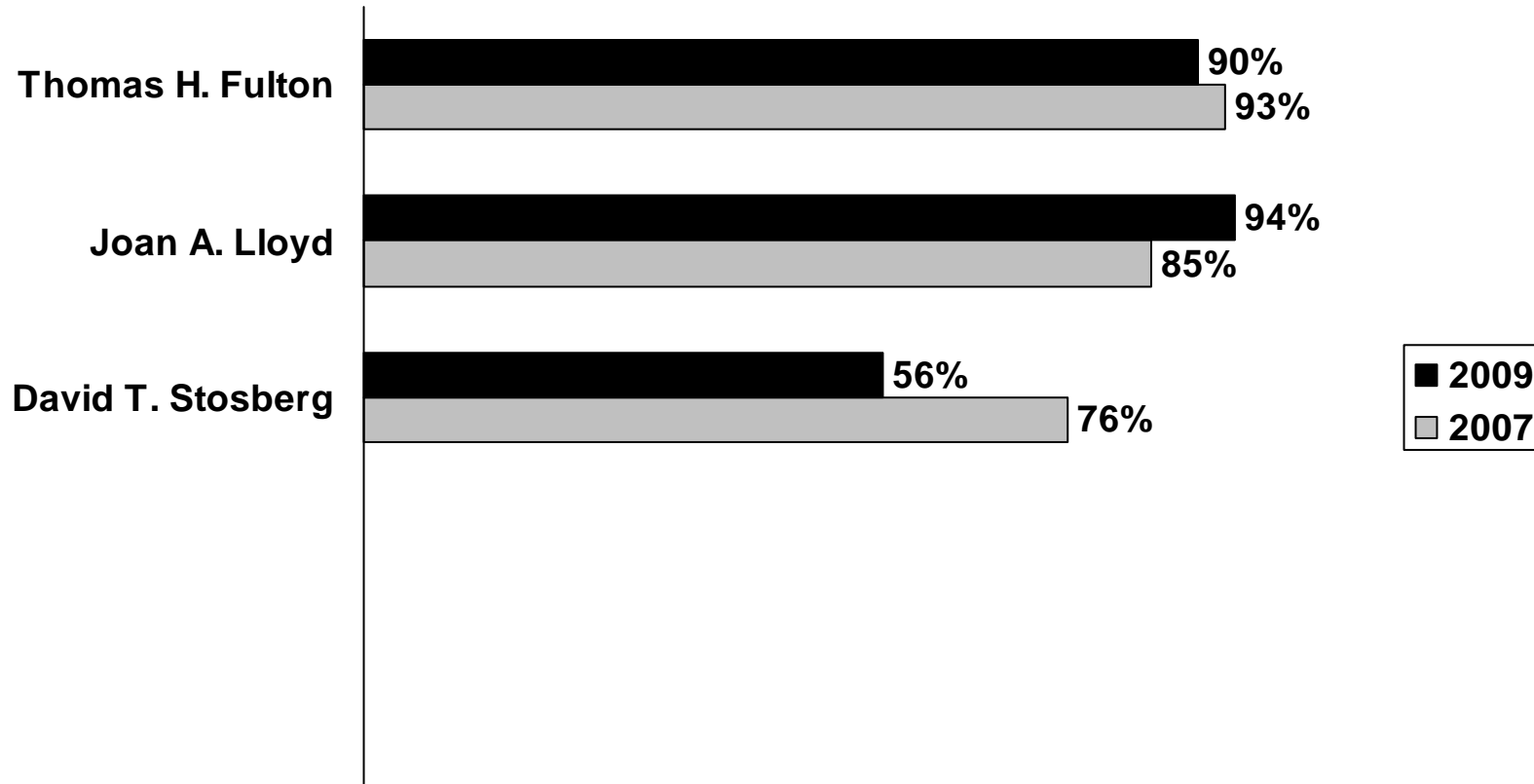


General Satisfaction with Performance United States District Court for the Western District of Kentucky





General Satisfaction with Performance United States Bankruptcy Court for the Western District of Kentucky



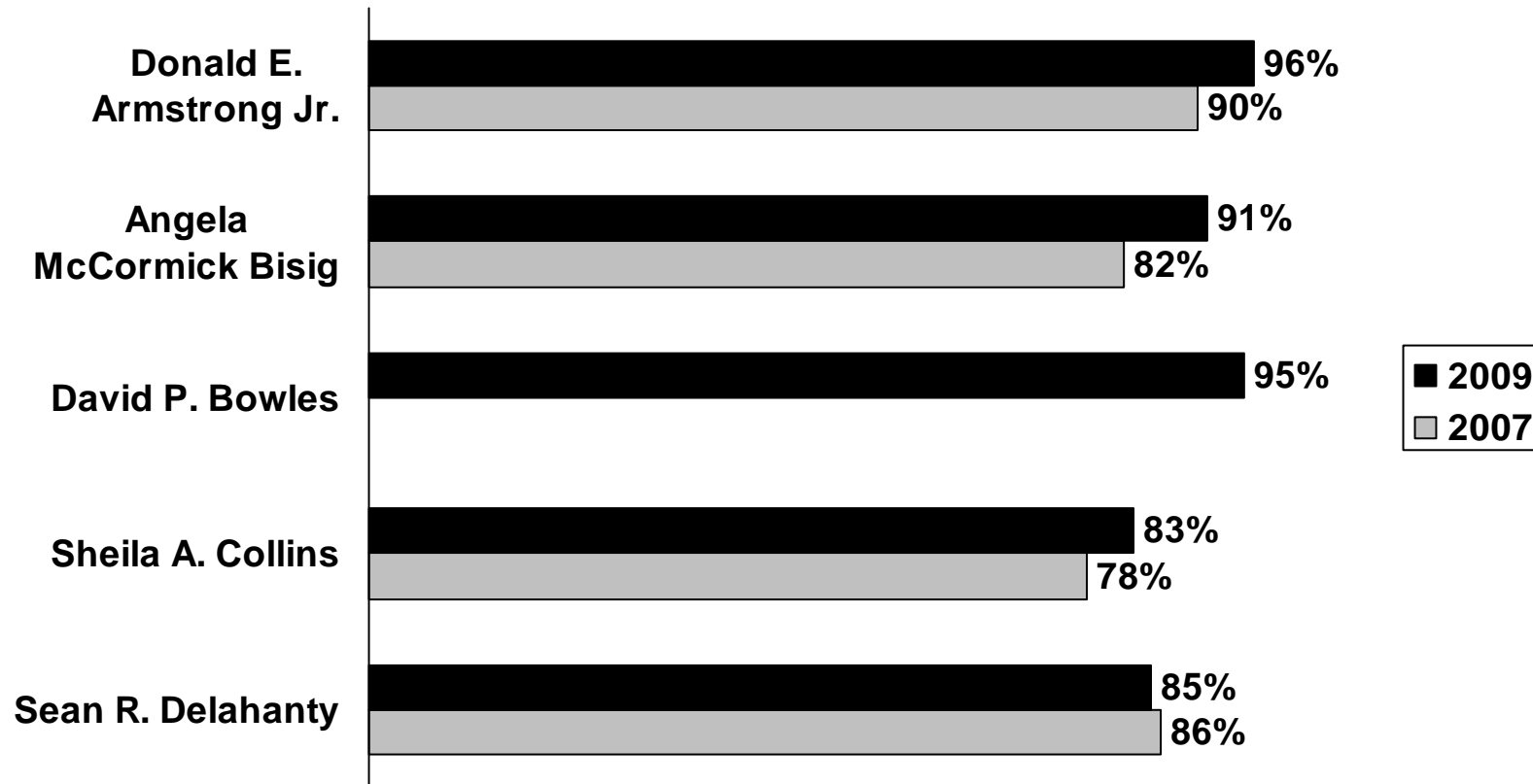


General Satisfaction with Performance Magistrates for the Western District of Kentucky





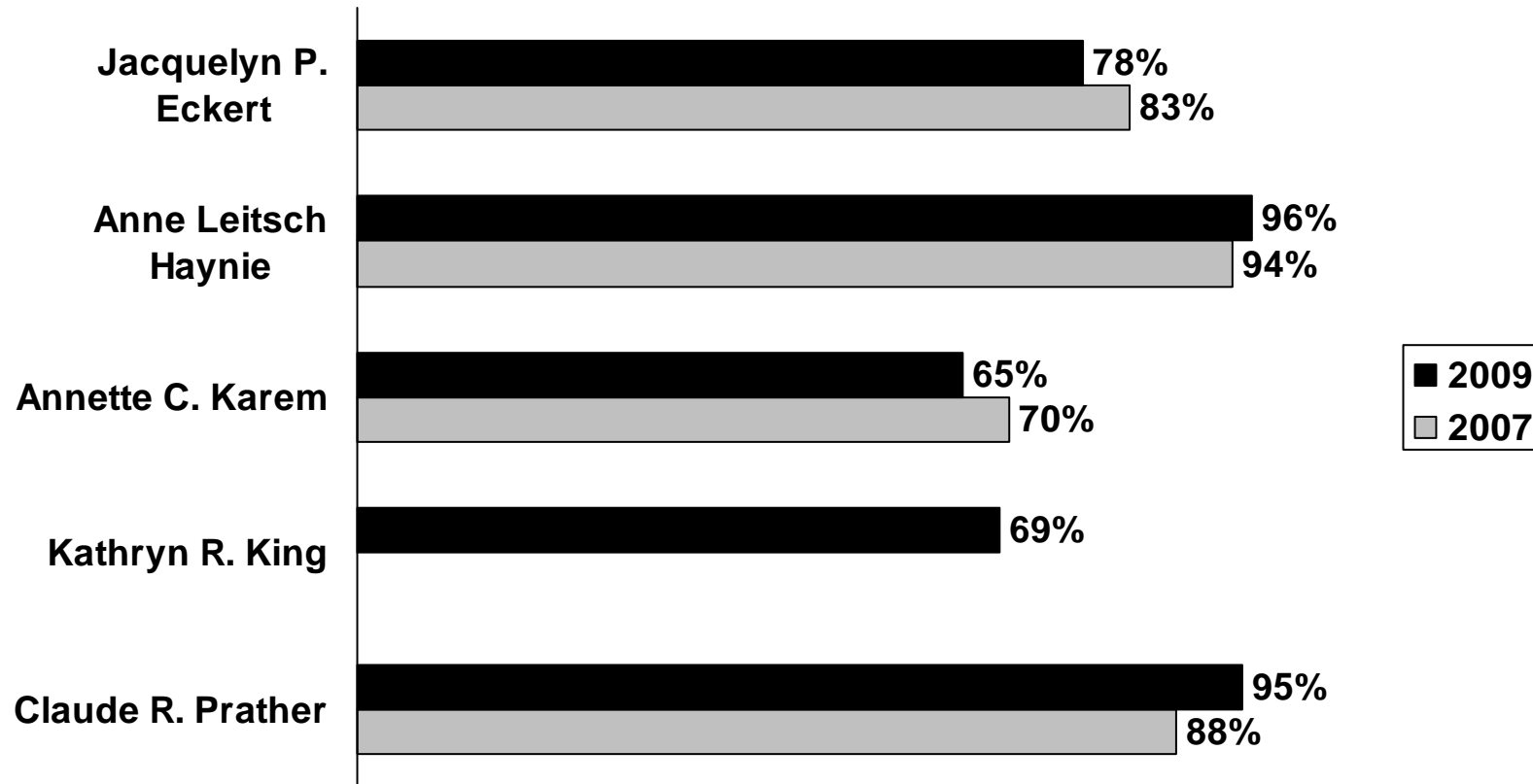
General Satisfaction with Performance Jefferson District Court



Note: David P. Bowles not evaluated in 2007.



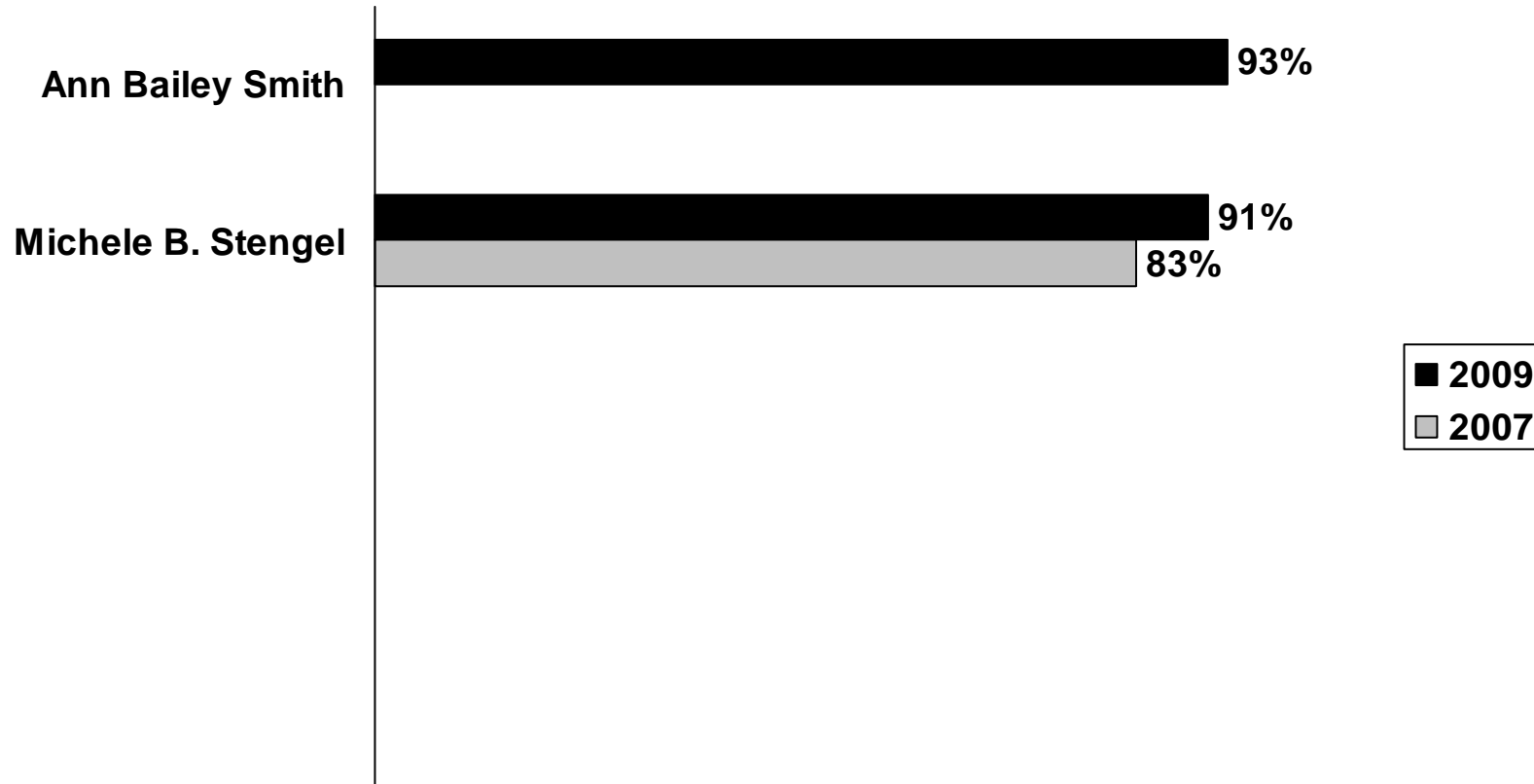
General Satisfaction with Performance Jefferson District Court (Continued)



Note: Kathryn R. King not evaluated in 2007.



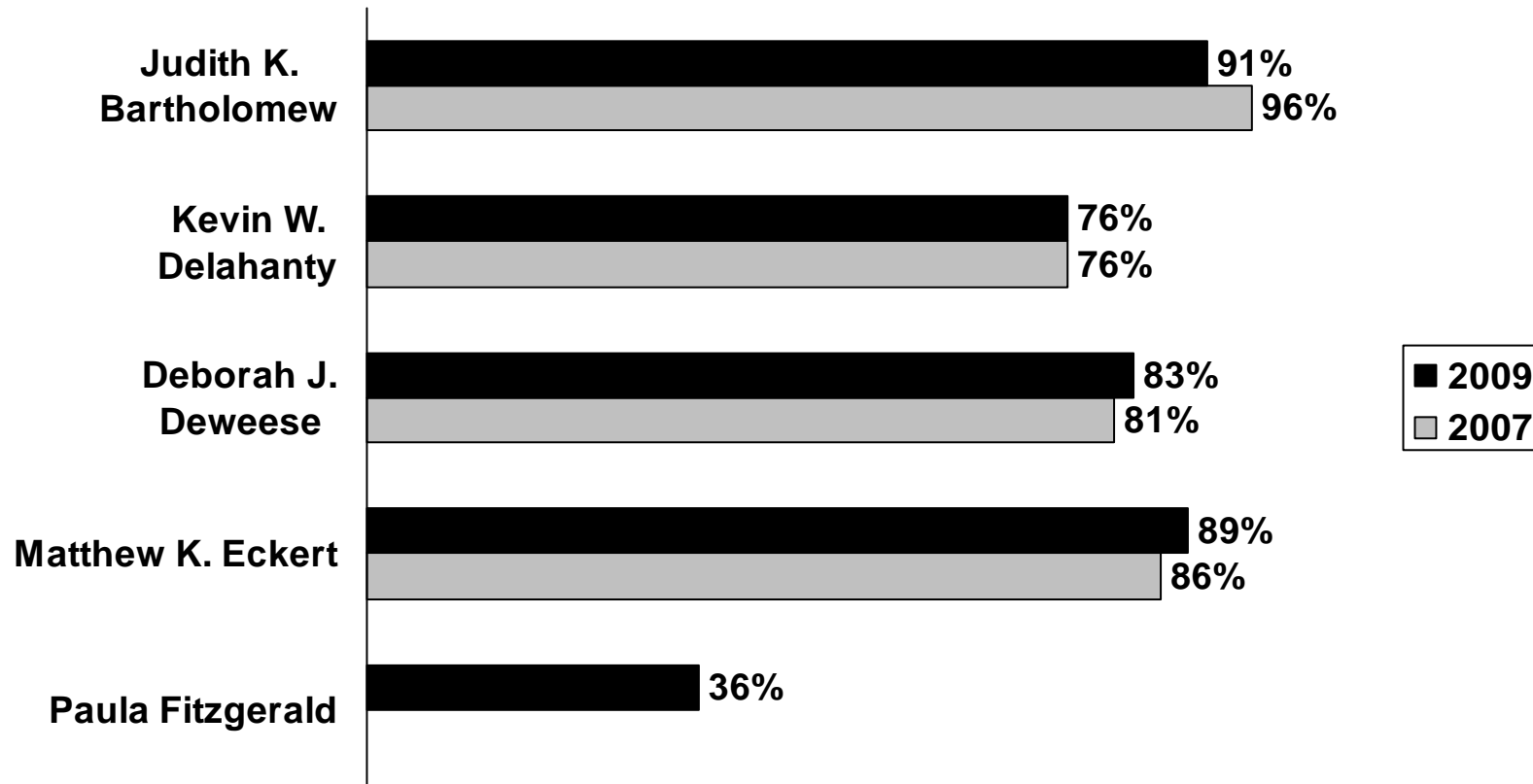
General Satisfaction with Performance Jefferson District Court (Continued)



Note: Ann Bailey Smith not evaluated in 2007.



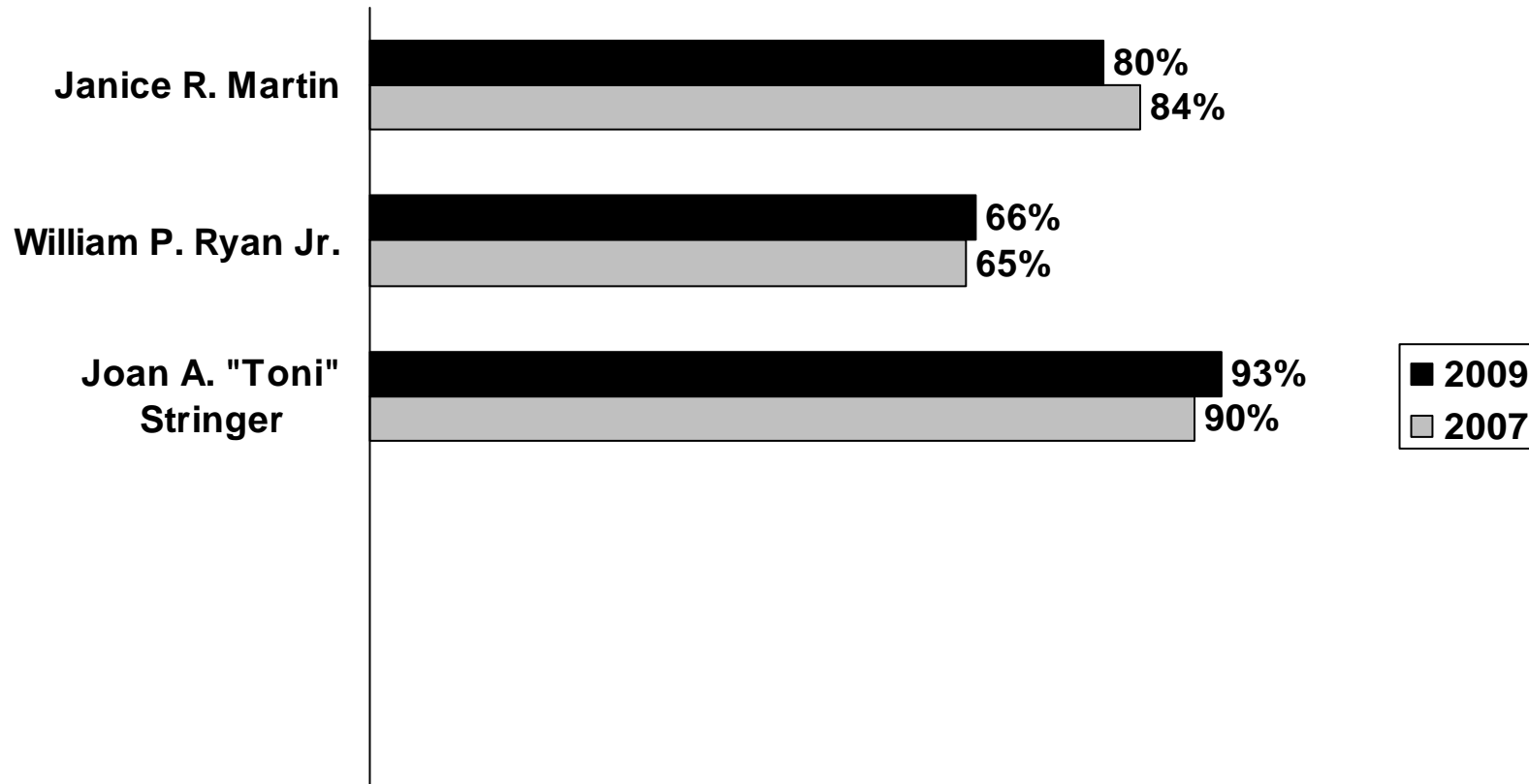
General Satisfaction with Performance Jefferson District Court – Senior Status



Note: Paula Fitzgerald not evaluated in 2007.



General Satisfaction with Performance Jefferson District Court – Senior Status (Continued)







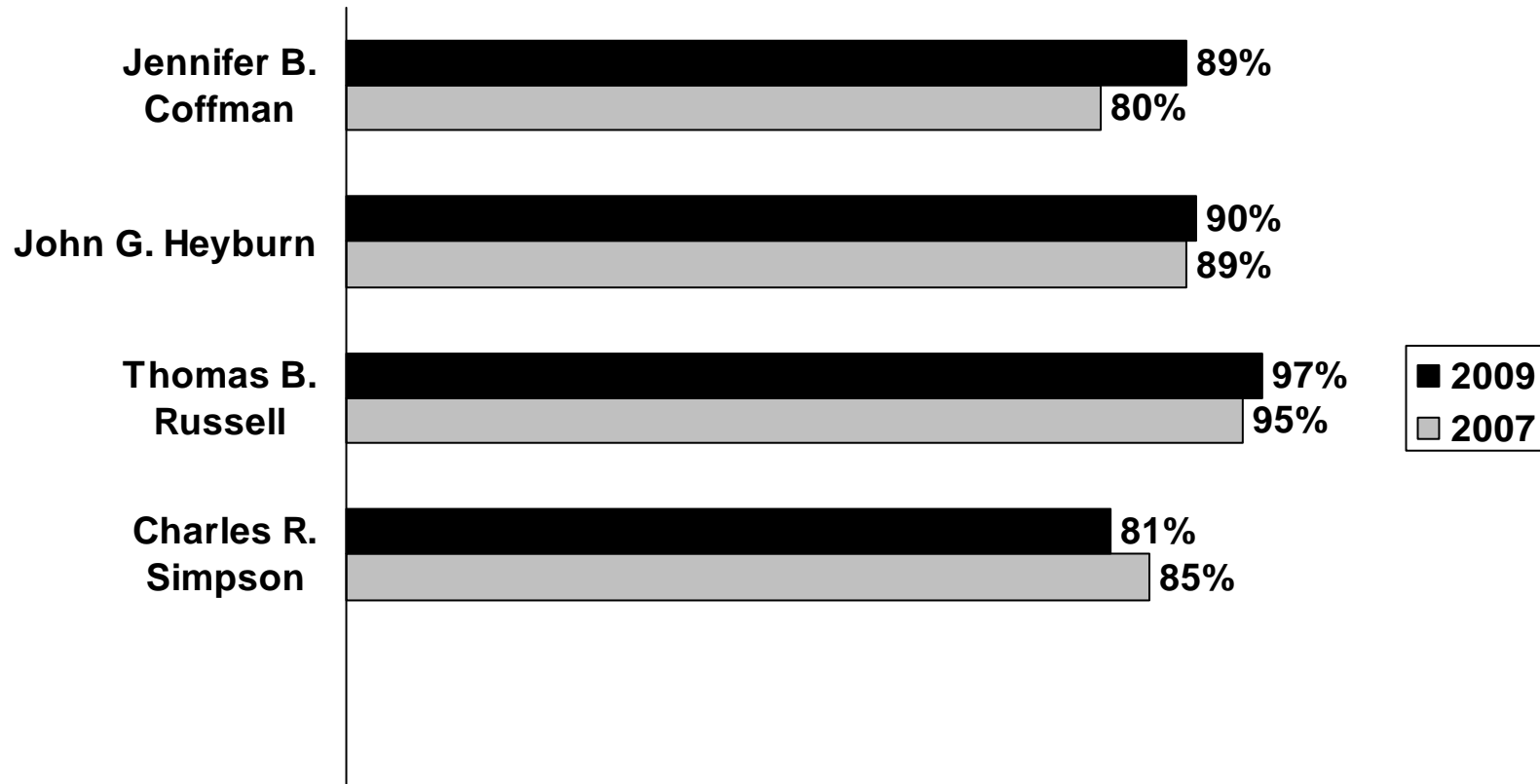
Judicial Temperament Ratings

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.

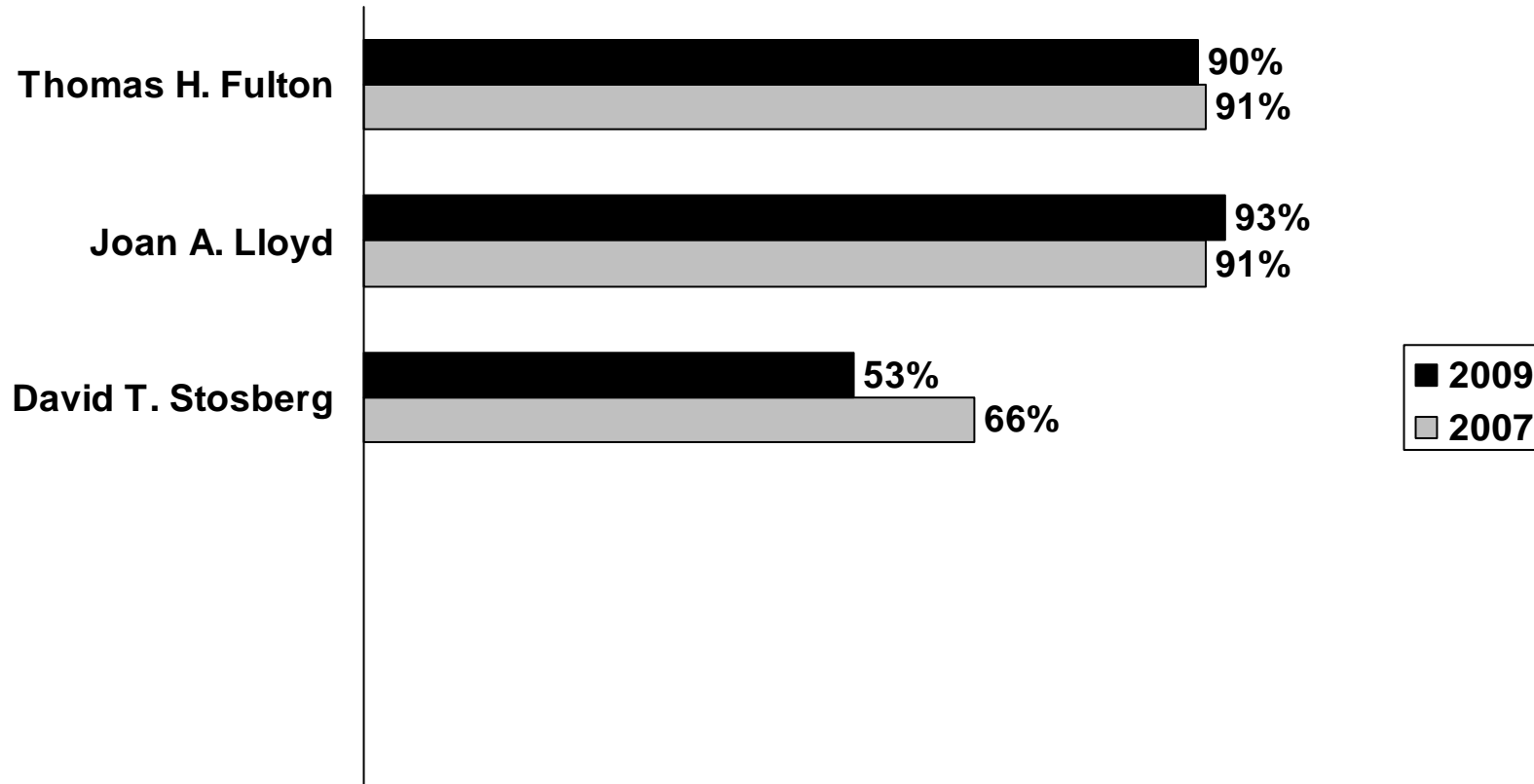


Judicial Temperament United States District Court for the Western District of Kentucky





Judicial Temperament United States Bankruptcy Court for the Western District of Kentucky



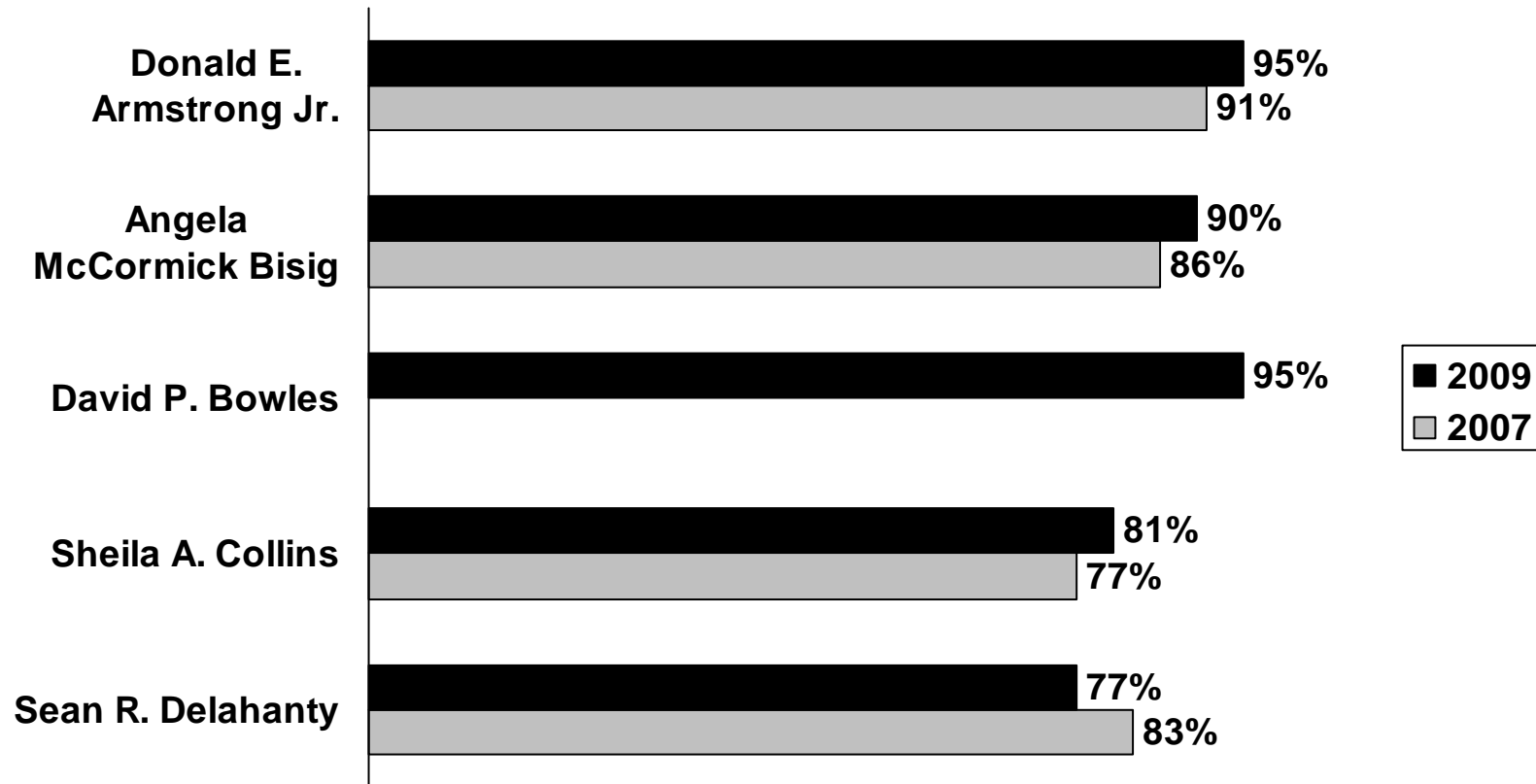


Judicial Temperament Magistrates for the Western District of Kentucky





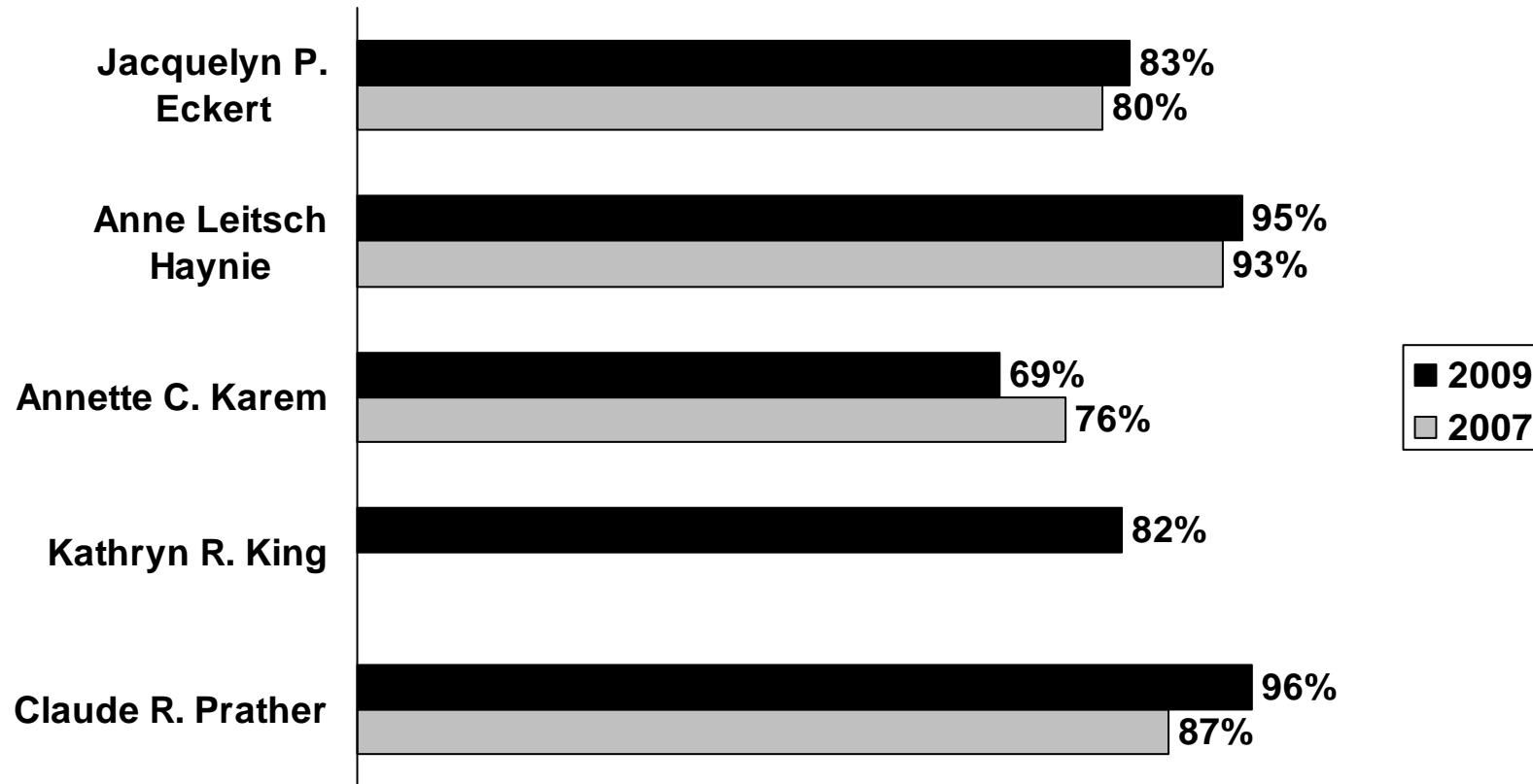
Judicial Temperament Jefferson District Court



Note: David P. Bowles not evaluated in 2007.



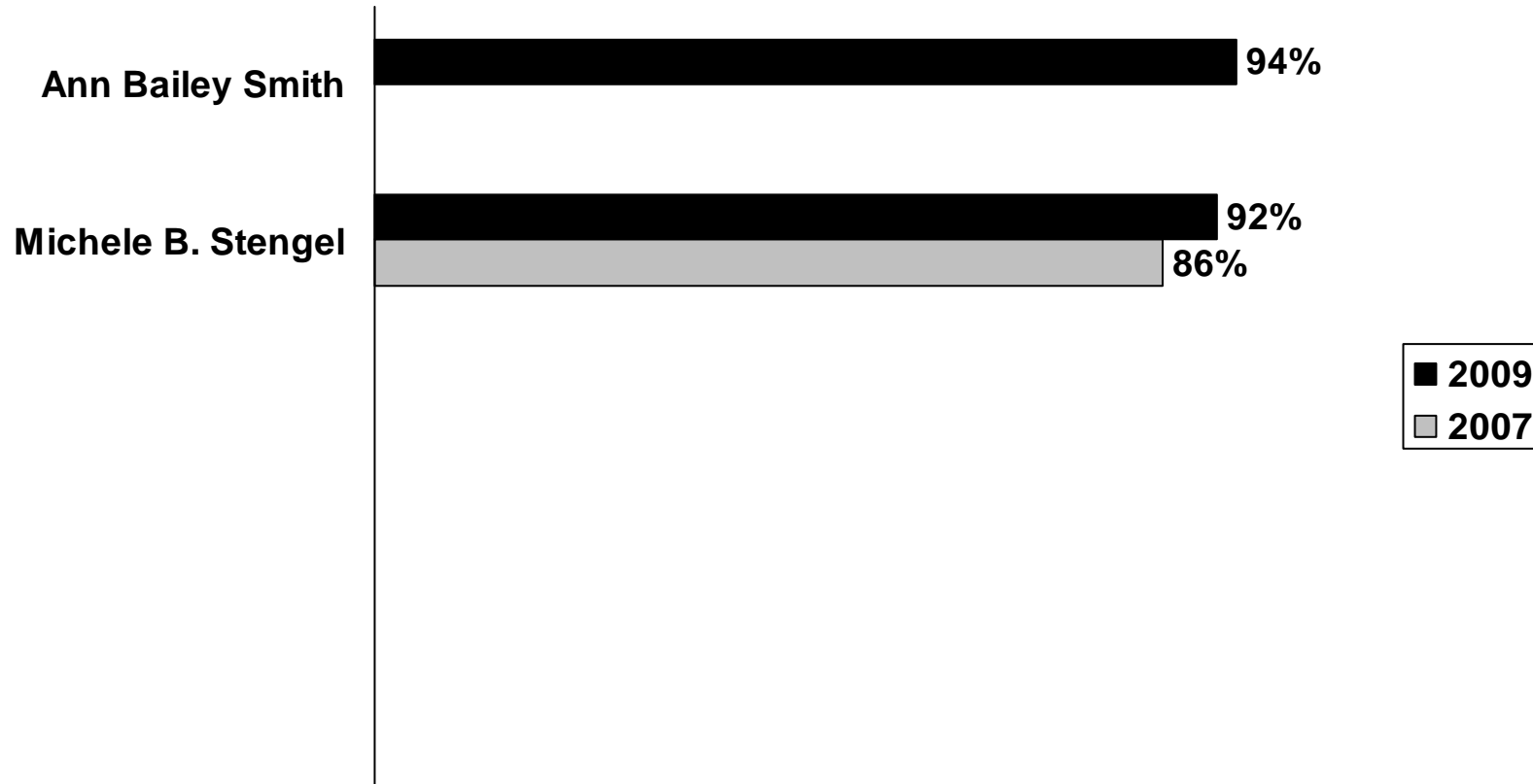
Judicial Temperament Jefferson District Court (Continued)



Note: Kathryn R. King not evaluated in 2007.



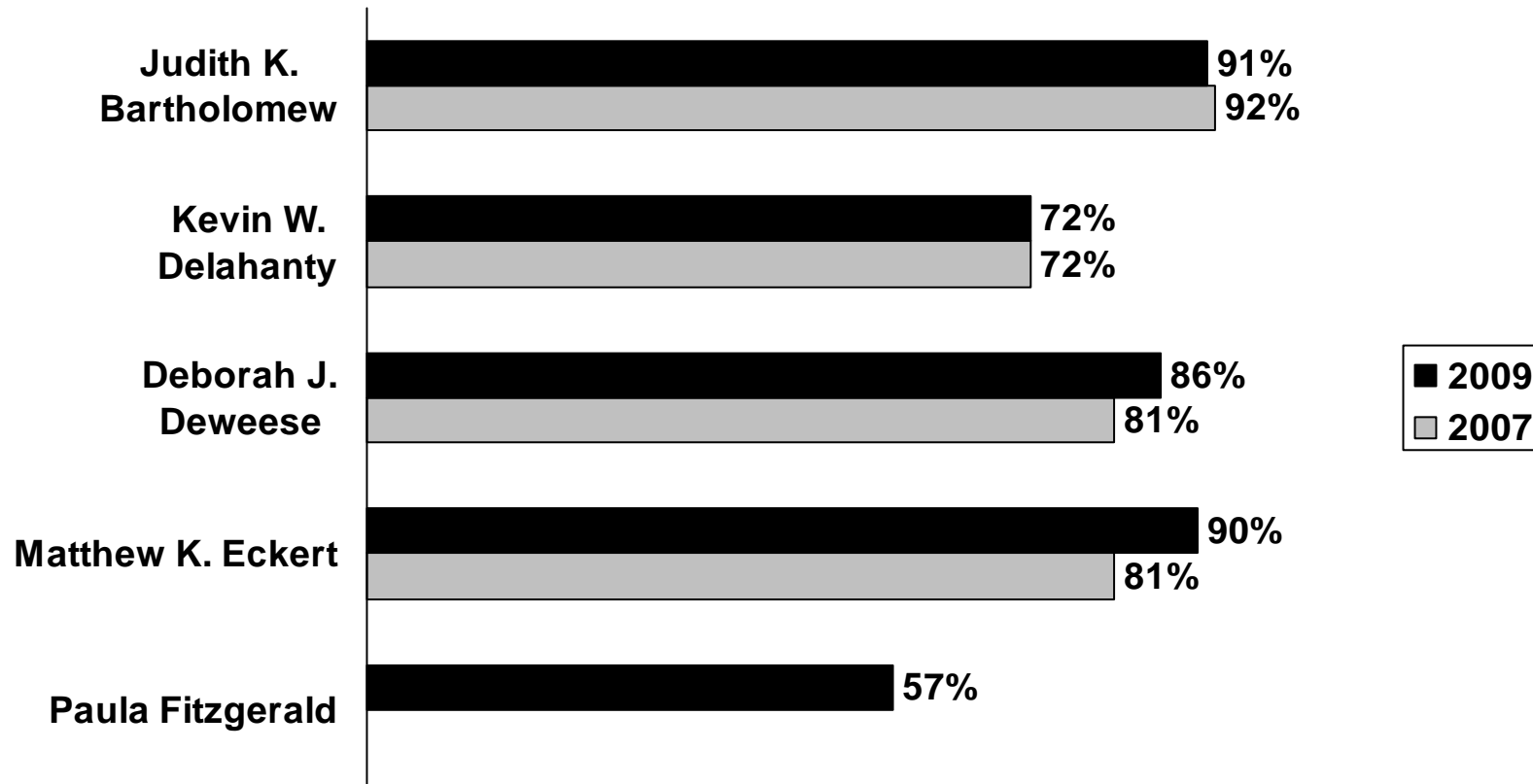
Judicial Temperament Jefferson District Court (Continued)



Note: Ann Bailey Smith not evaluated in 2007.



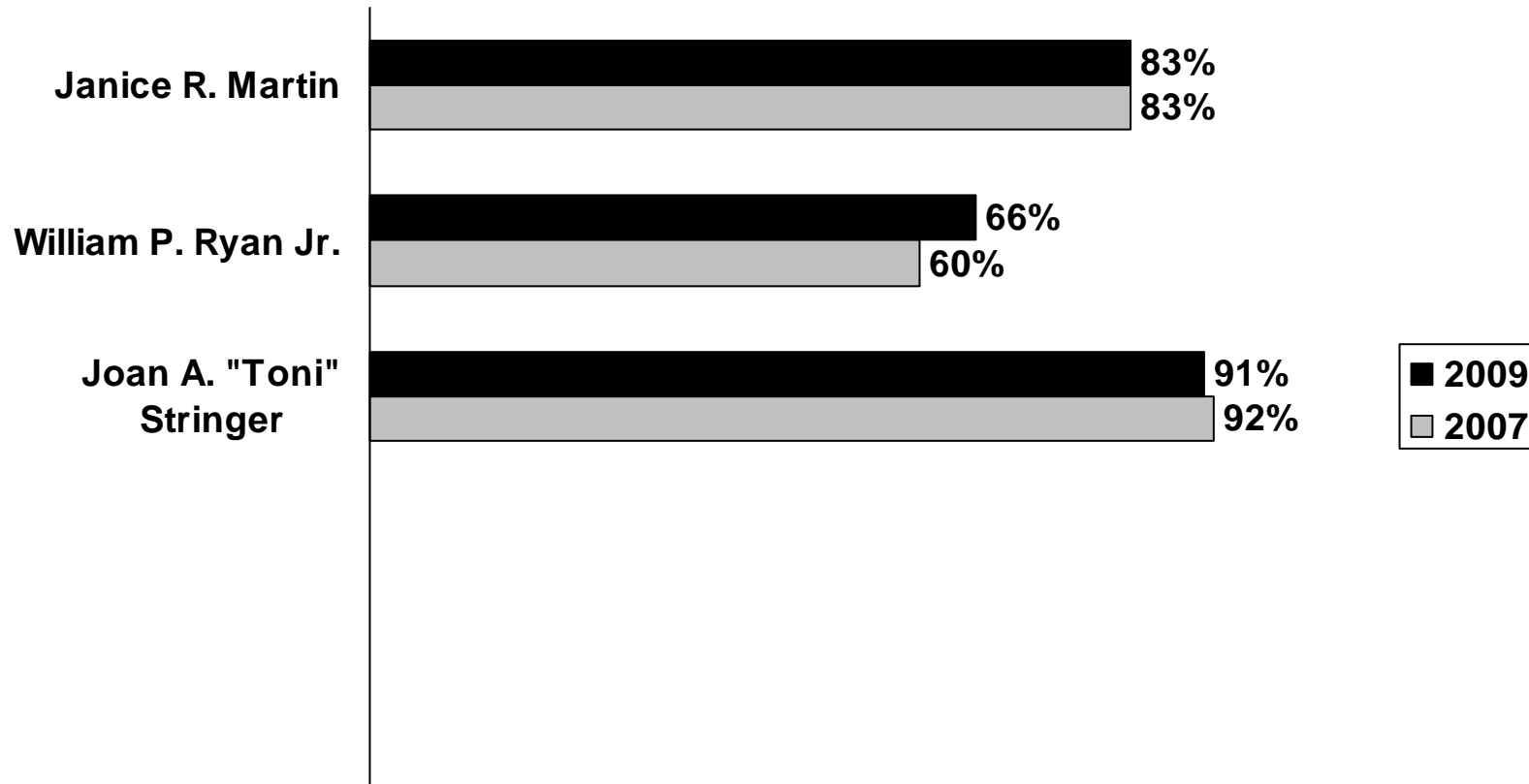
Judicial Temperament Jefferson District Court – Senior Status



Note: Paula Fitzgerald not evaluated in 2007.



Judicial Temperament Jefferson District Court – Senior Status (Continued)







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.



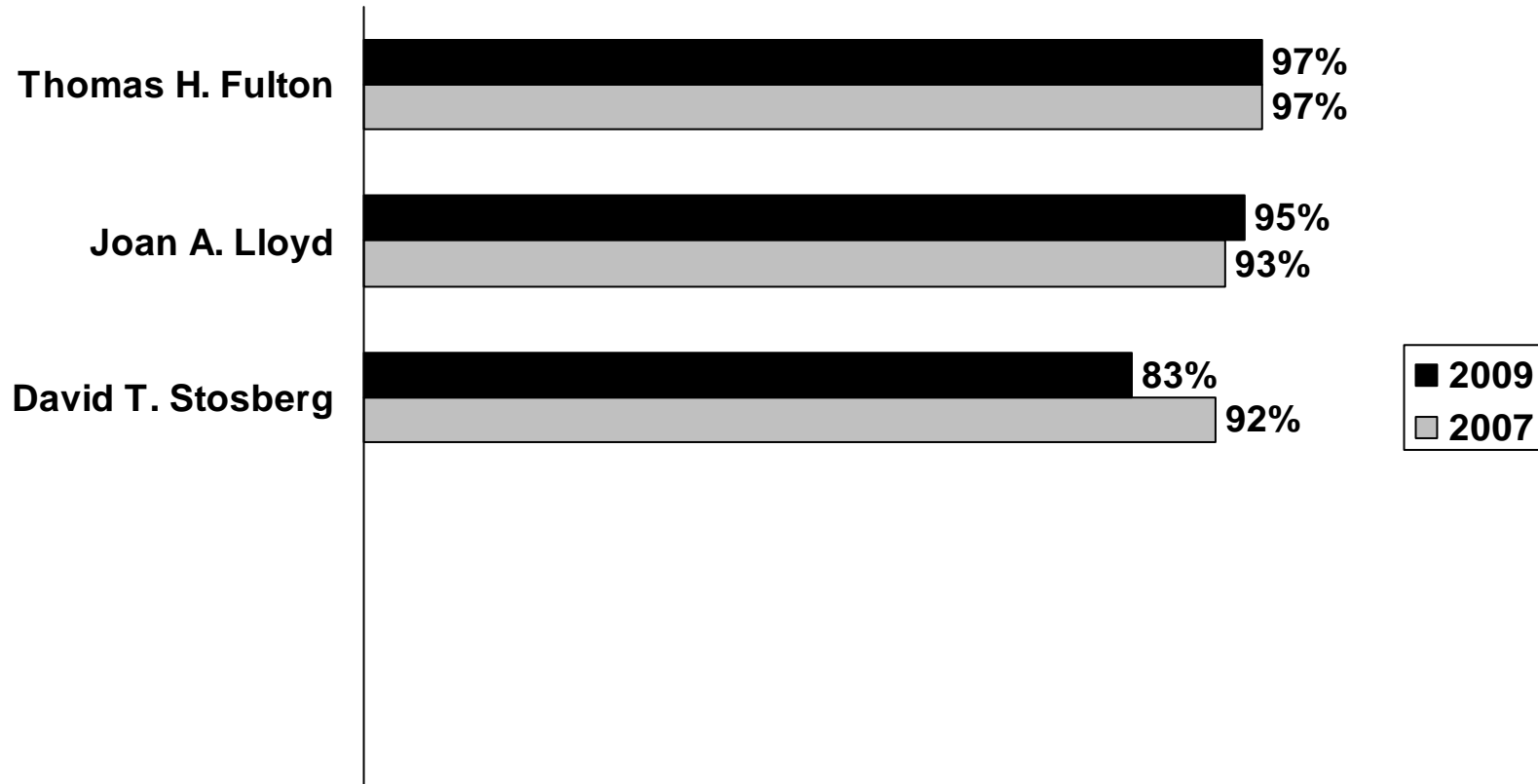
Court Management United States District Court for the Western District of Kentucky





Court Management

United States Bankruptcy Court for the Western District of Kentucky





Court Management Magistrates for the Western District of Kentucky





Court Management Jefferson District Court



Note: David P. Bowles not evaluated in 2007.



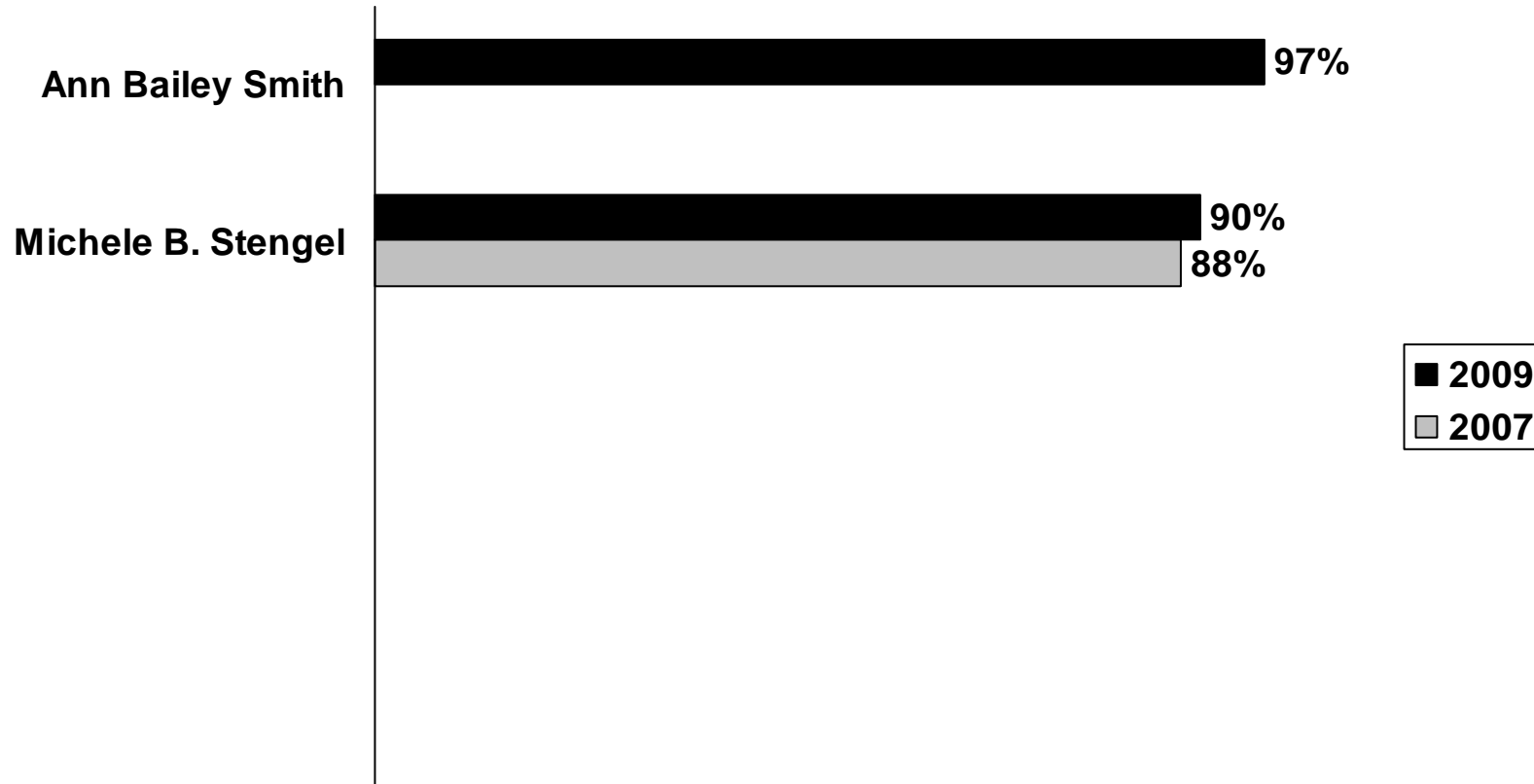
Court Management Jefferson District Court (Continued)



Note: Kathryn R. King not evaluated in 2007.



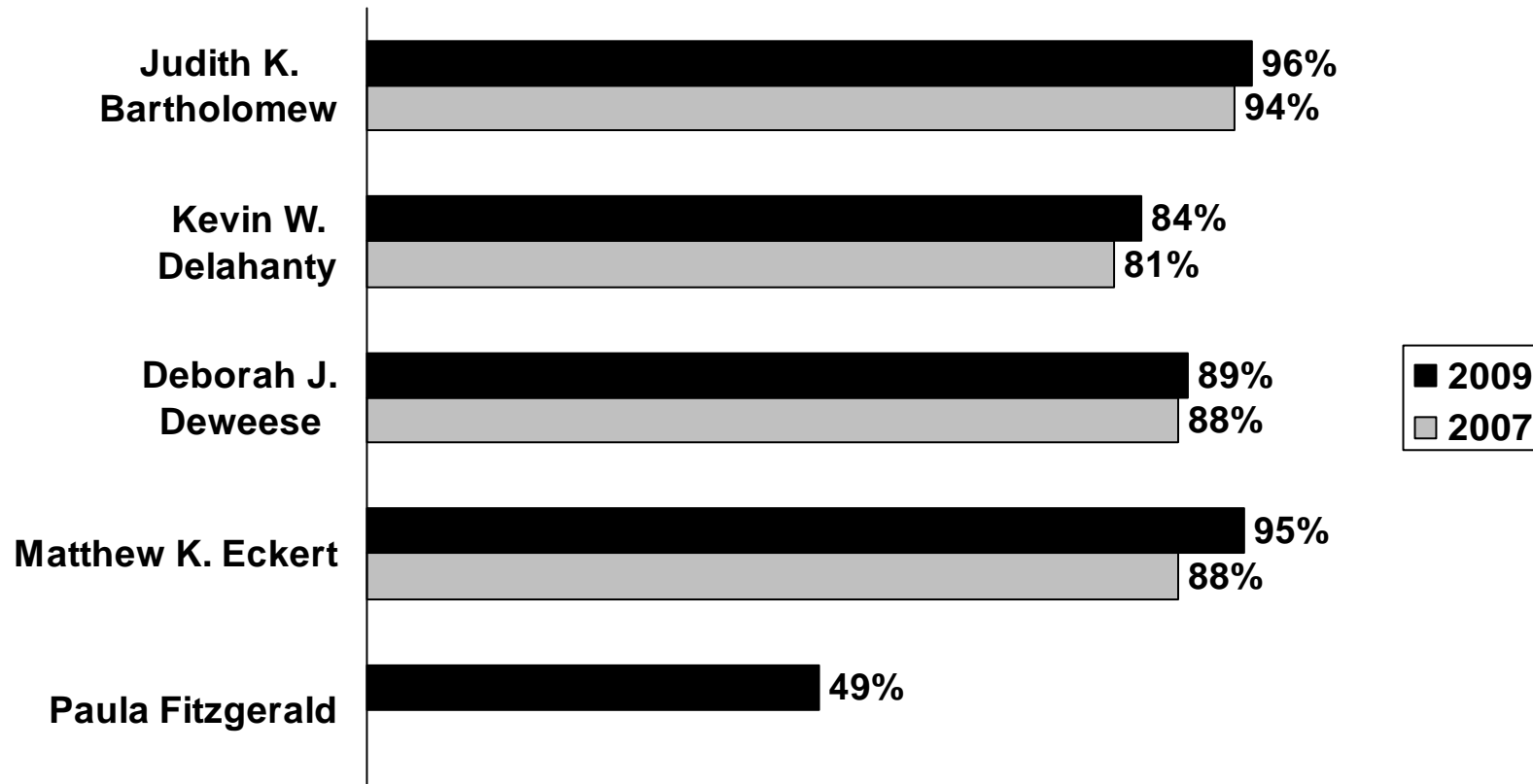
Court Management Jefferson District Court (Continued)



Note: Ann Bailey Smith not evaluated in 2007.



Court Management Jefferson District Court – Senior Status



Note: Paula Fitzgerald not evaluated in 2007.



Court Management Jefferson District Court – Senior Status (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.



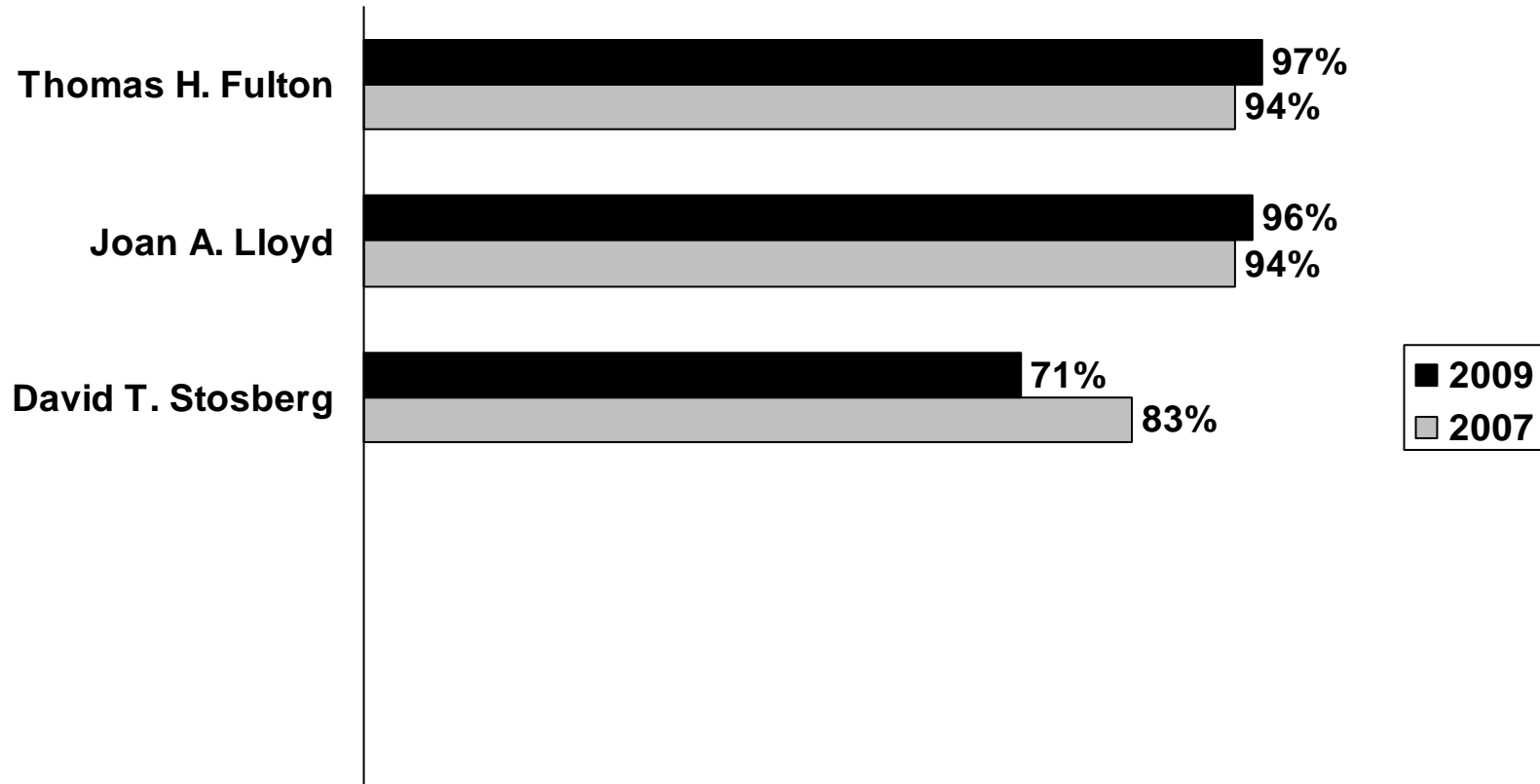
Judicial Integrity United States District Court for the Western District of Kentucky





Judicial Integrity

United States Bankruptcy Court for the Western District of Kentucky





Judicial Integrity Magistrates for the Western District of Kentucky





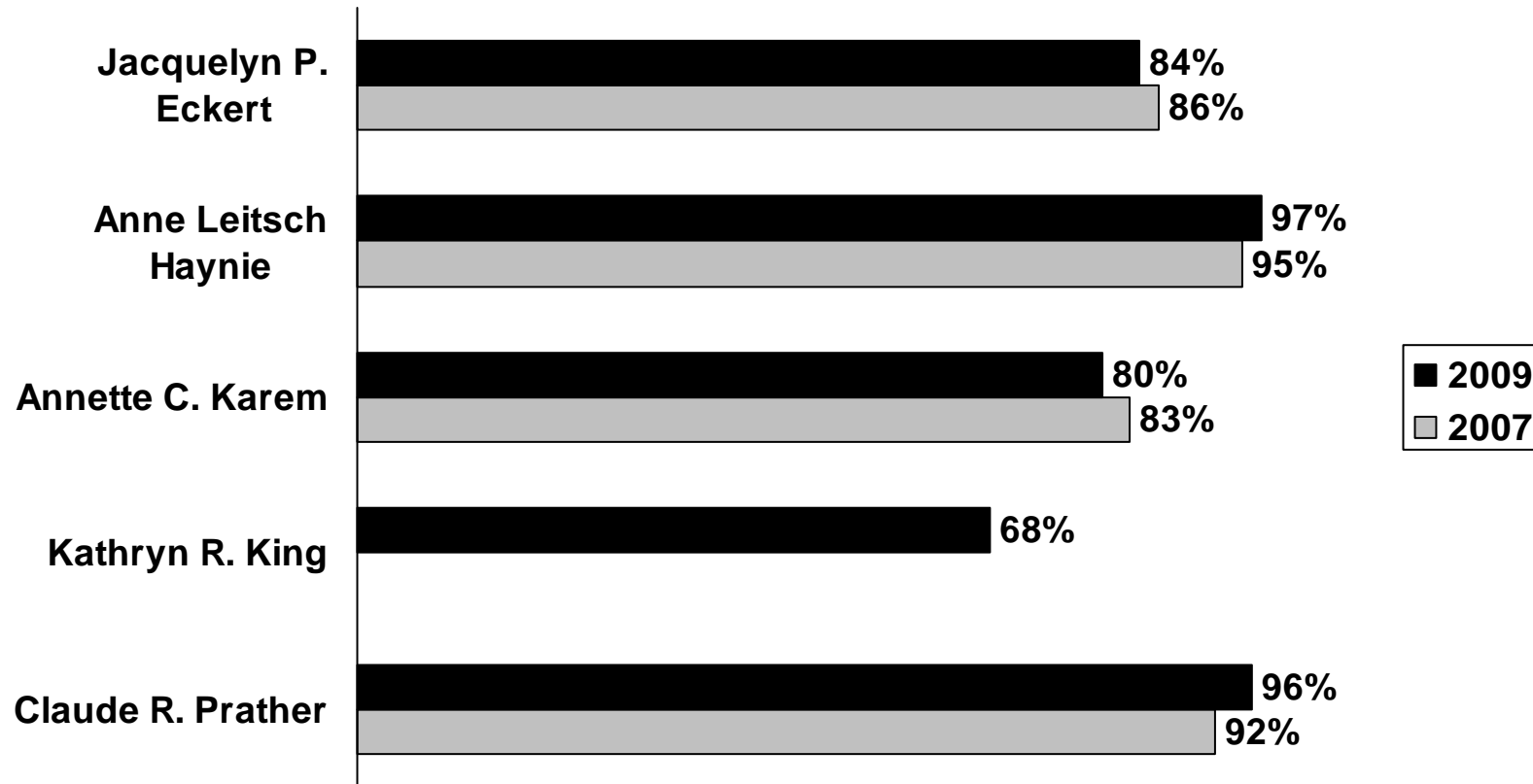
Judicial Integrity Jefferson District Court



Note: David P. Bowles not evaluated in 2007.



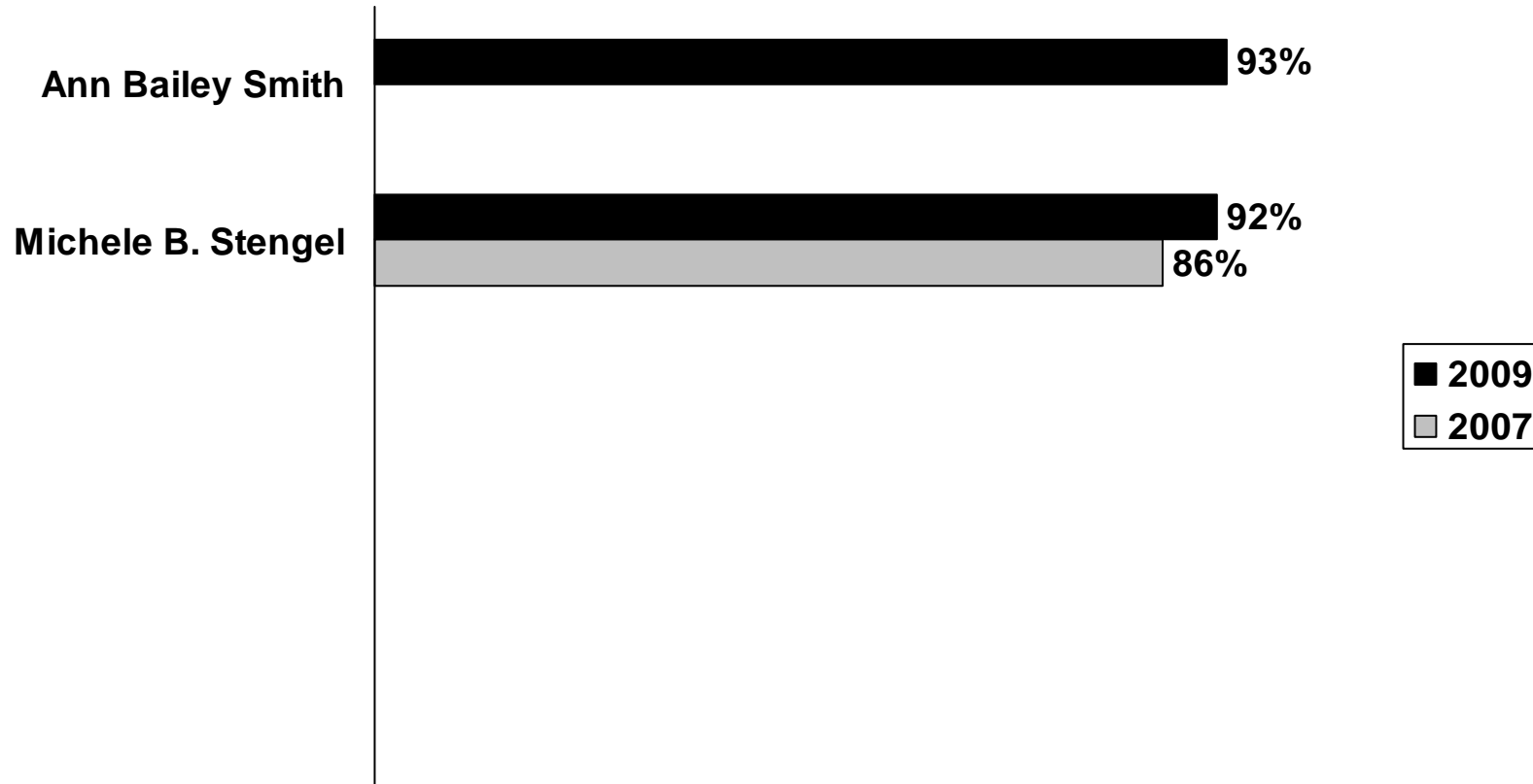
Judicial Integrity Jefferson District Court (Continued)



Note: Kathryn R. King not evaluated in 2007.



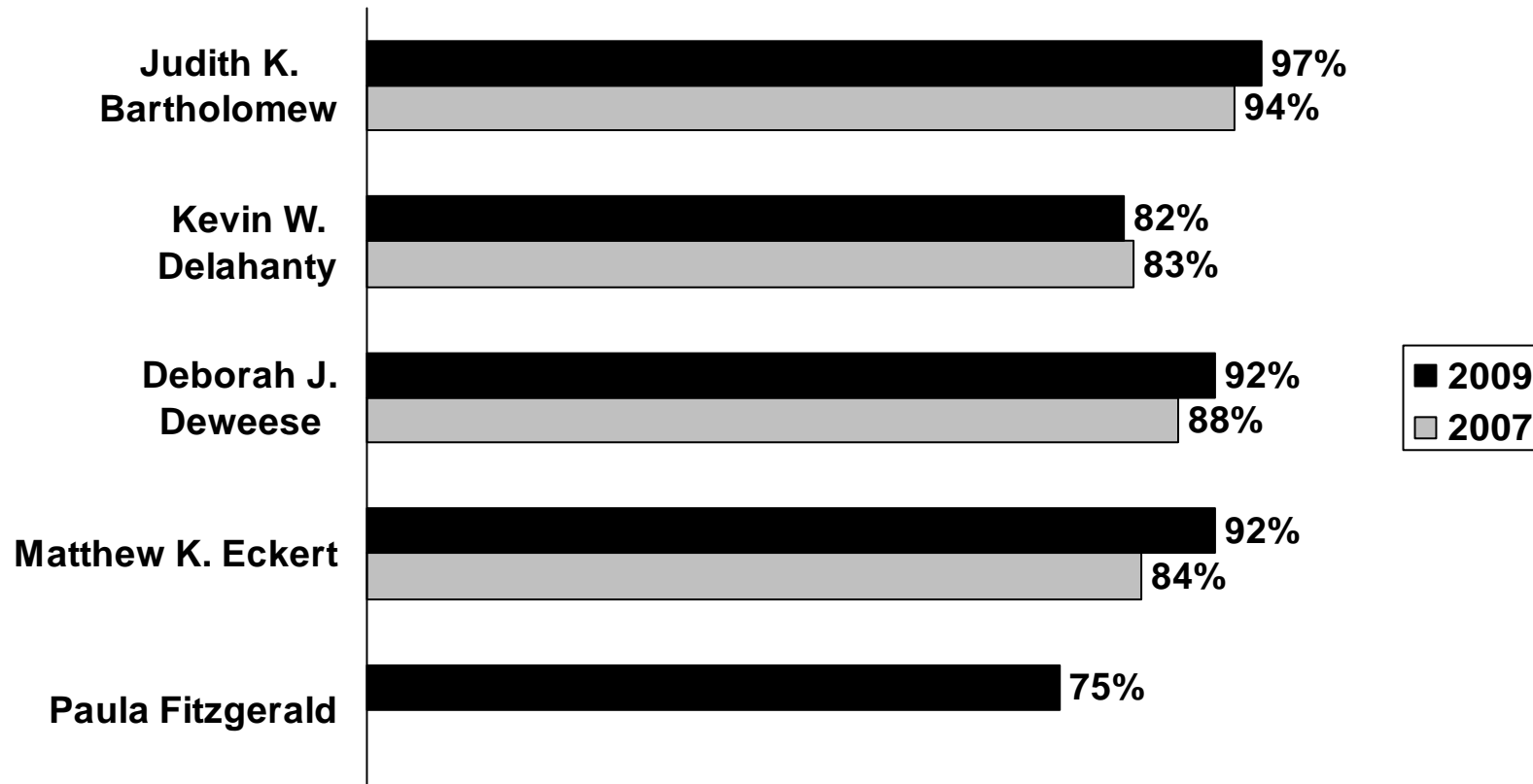
Judicial Integrity Jefferson District Court (Continued)



Note: Ann Bailey Smith not evaluated in 2007.



Judicial Integrity Jefferson District Court – Senior Status



Note: Paula Fitzgerald not evaluated in 2007.



Judicial Integrity Jefferson District Court – Senior Status (Continued)







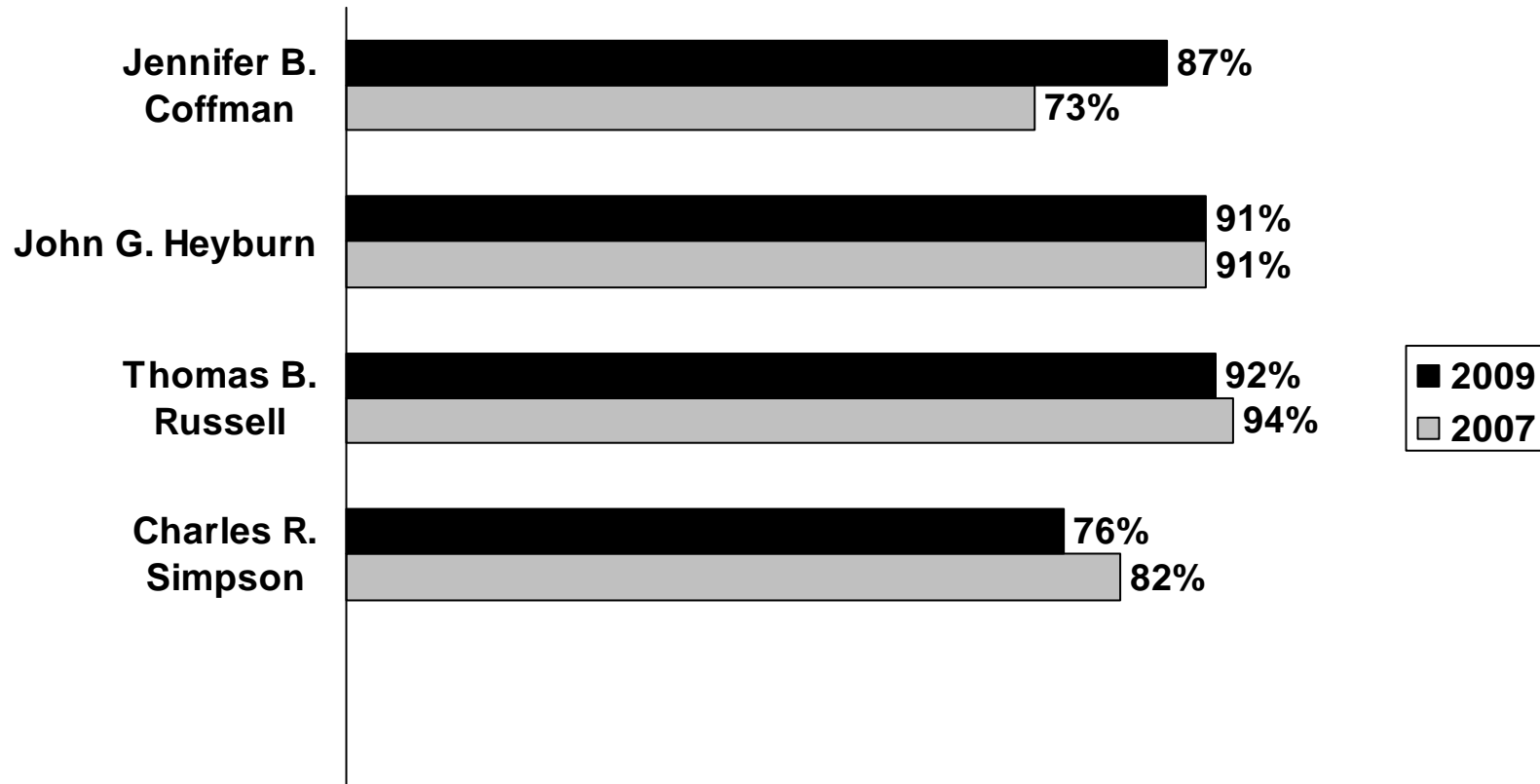
Legal Ability Ratings

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

- Renders decisions that reflect sound legal analysis.

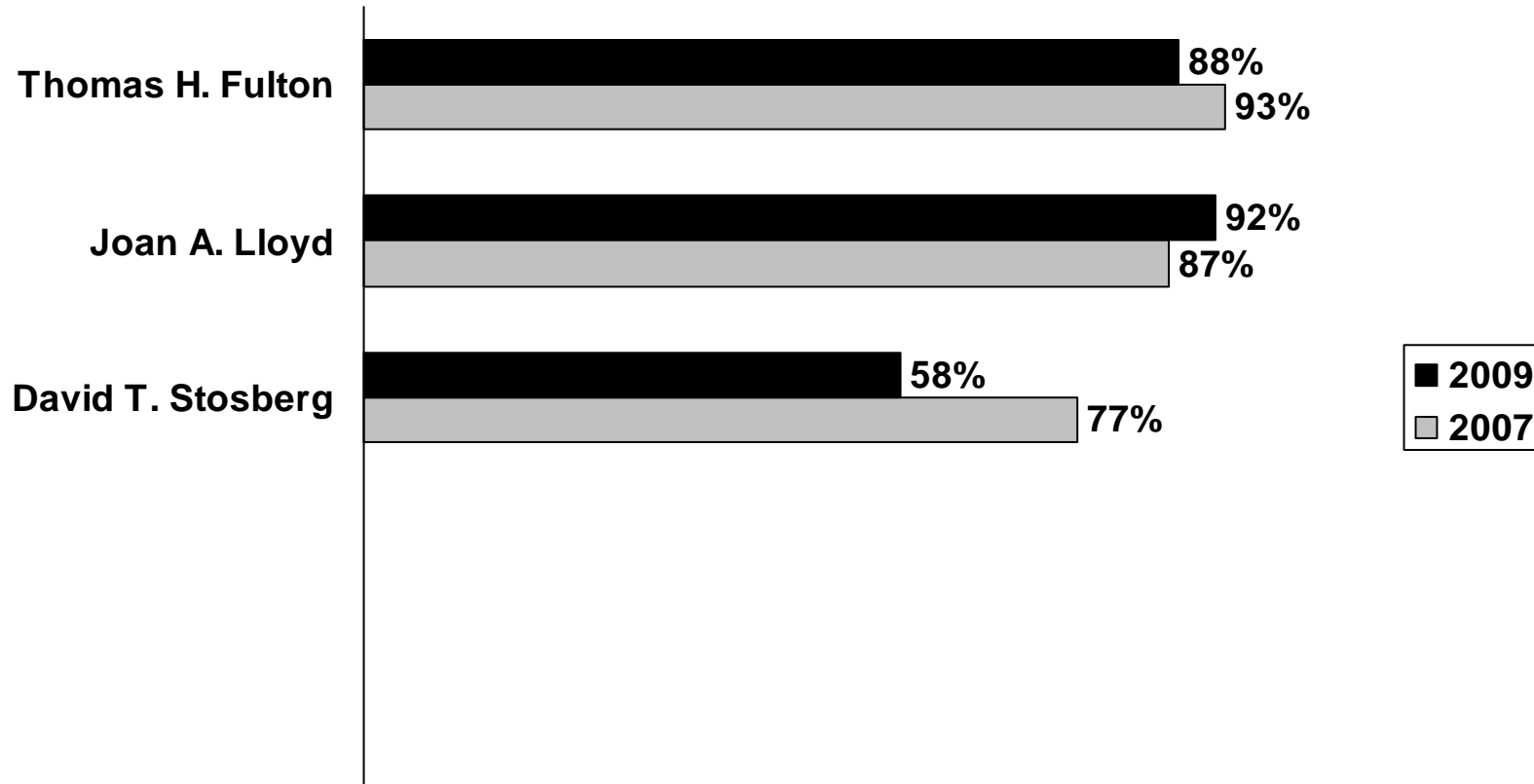


Legal Ability United States District Court for the Western District of Kentucky





Legal Ability United States Bankruptcy Court for the Western District of Kentucky



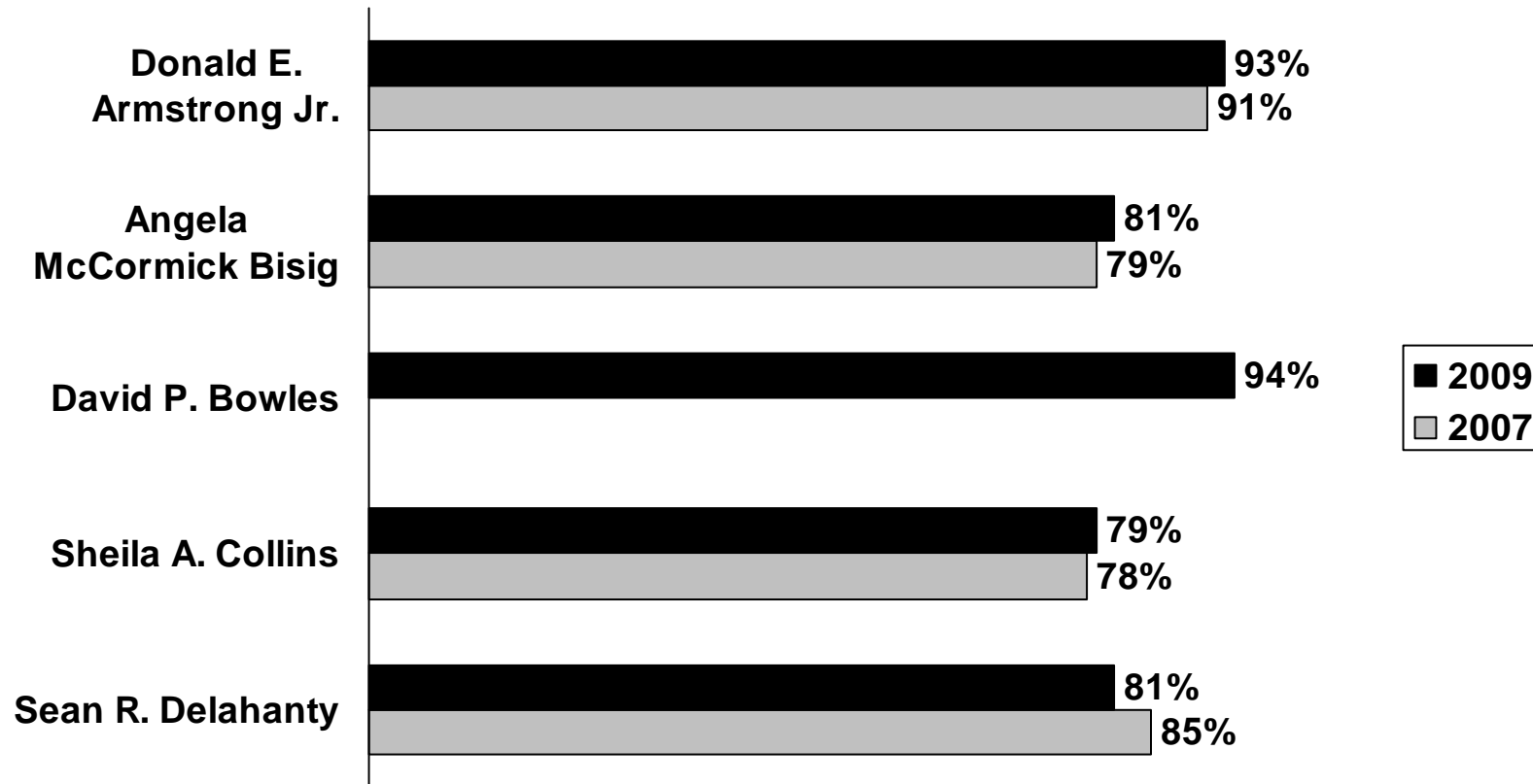


Legal Ability Magistrates for the Western District of Kentucky





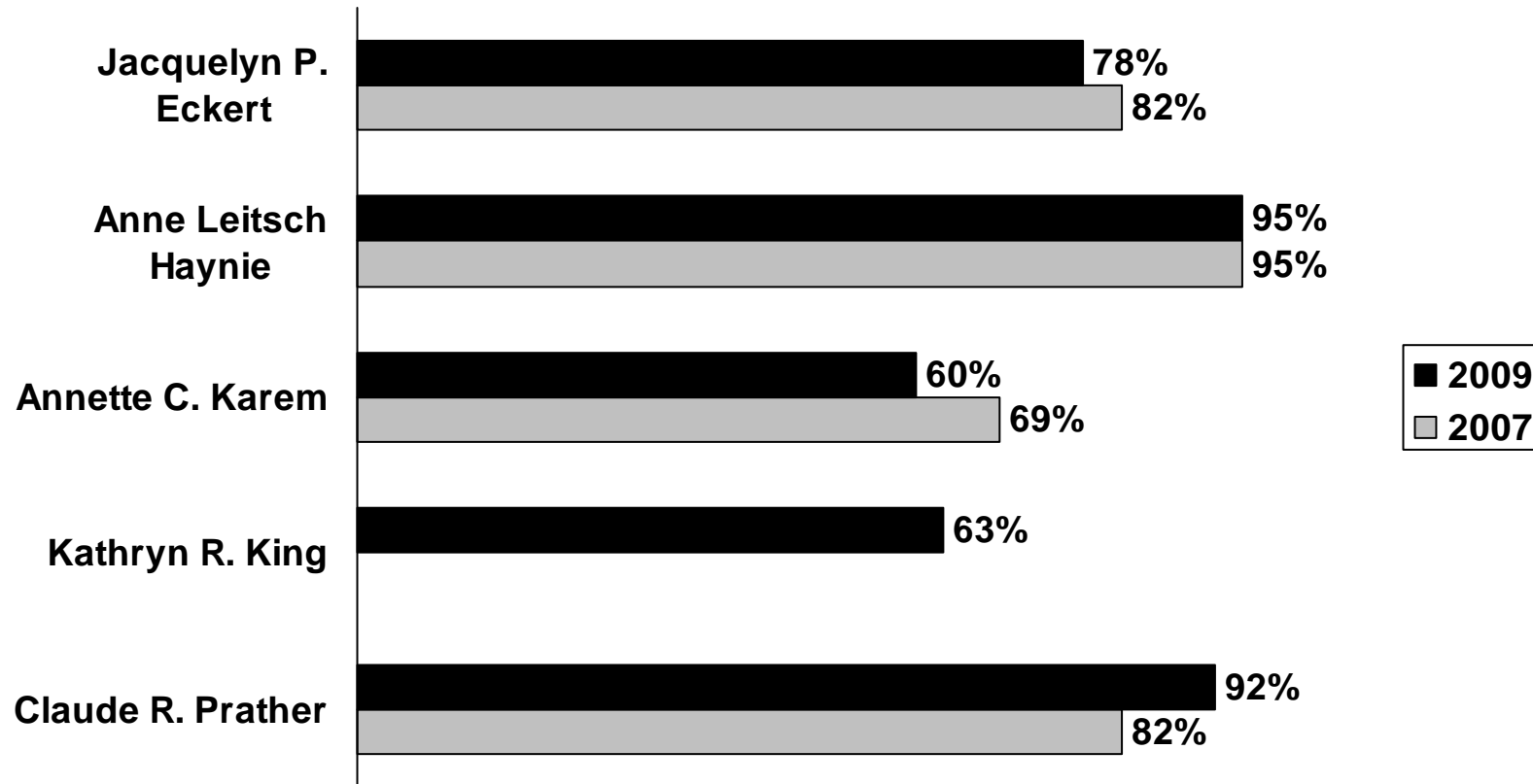
Legal Ability Jefferson District Court



Note: David P. Bowles not evaluated in 2007.



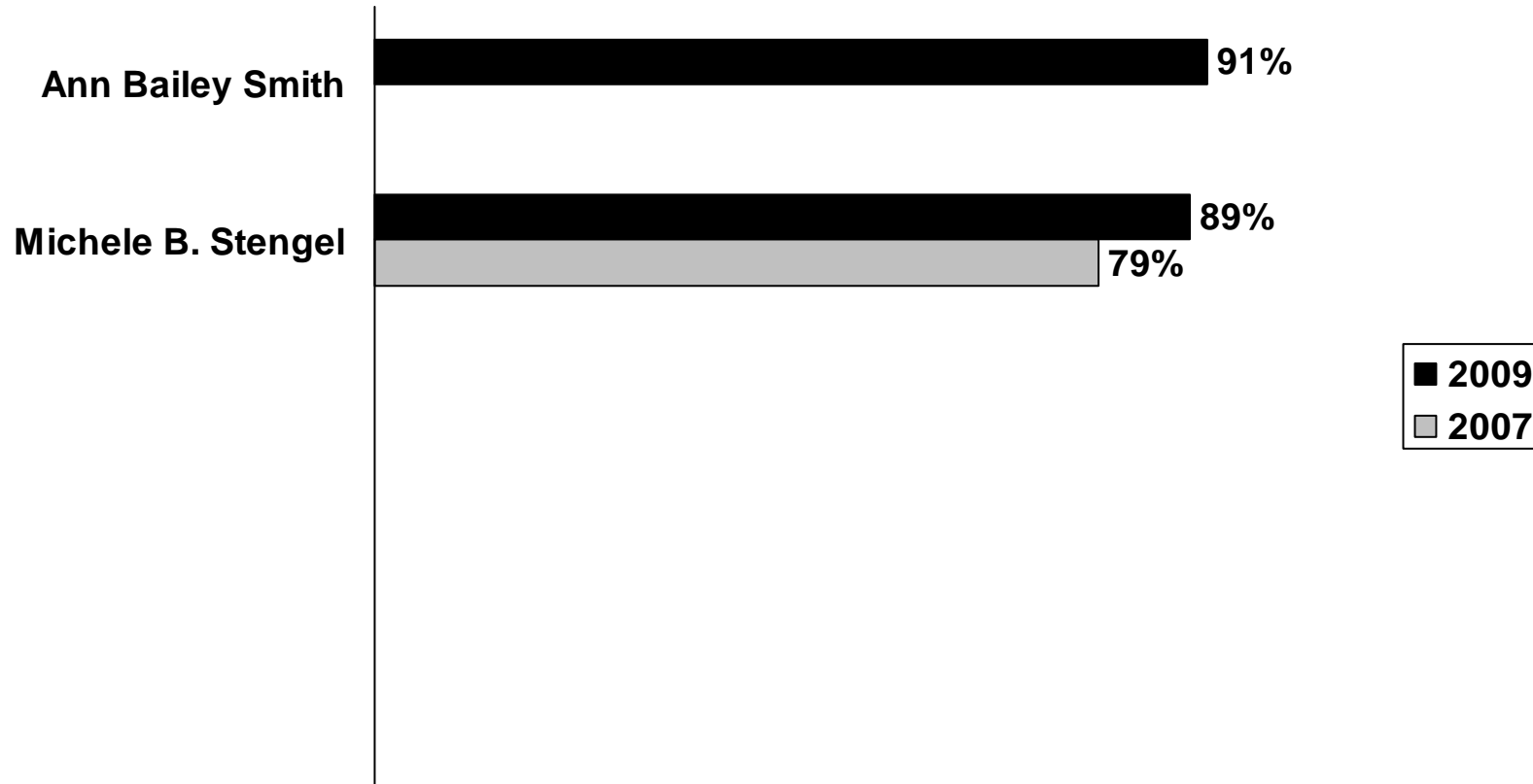
Legal Ability Jefferson District Court (Continued)



Note: Kathryn R. King not evaluated in 2007.



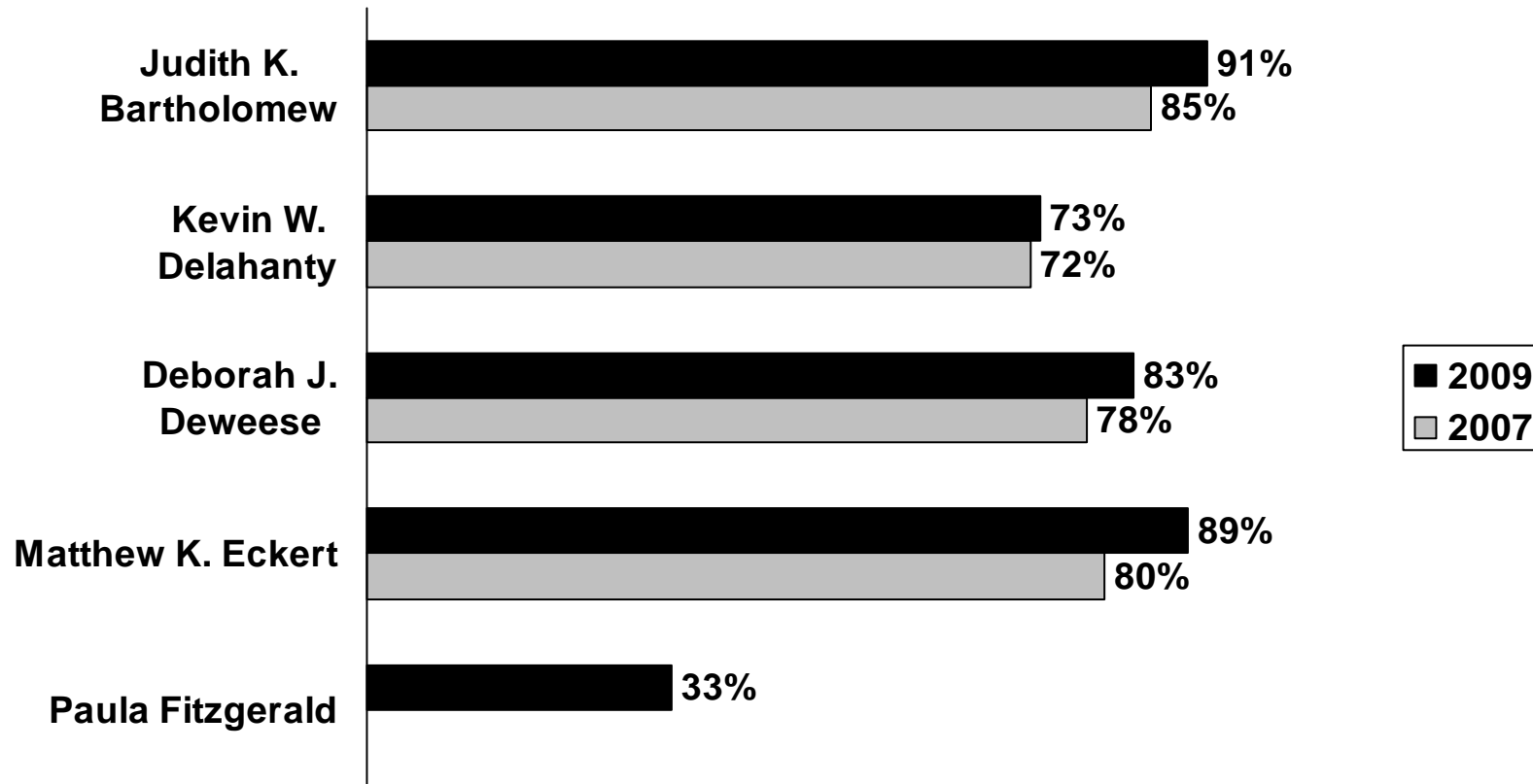
Legal Ability Jefferson District Court (Continued)



Note: Ann Bailey Smith not evaluated in 2007.



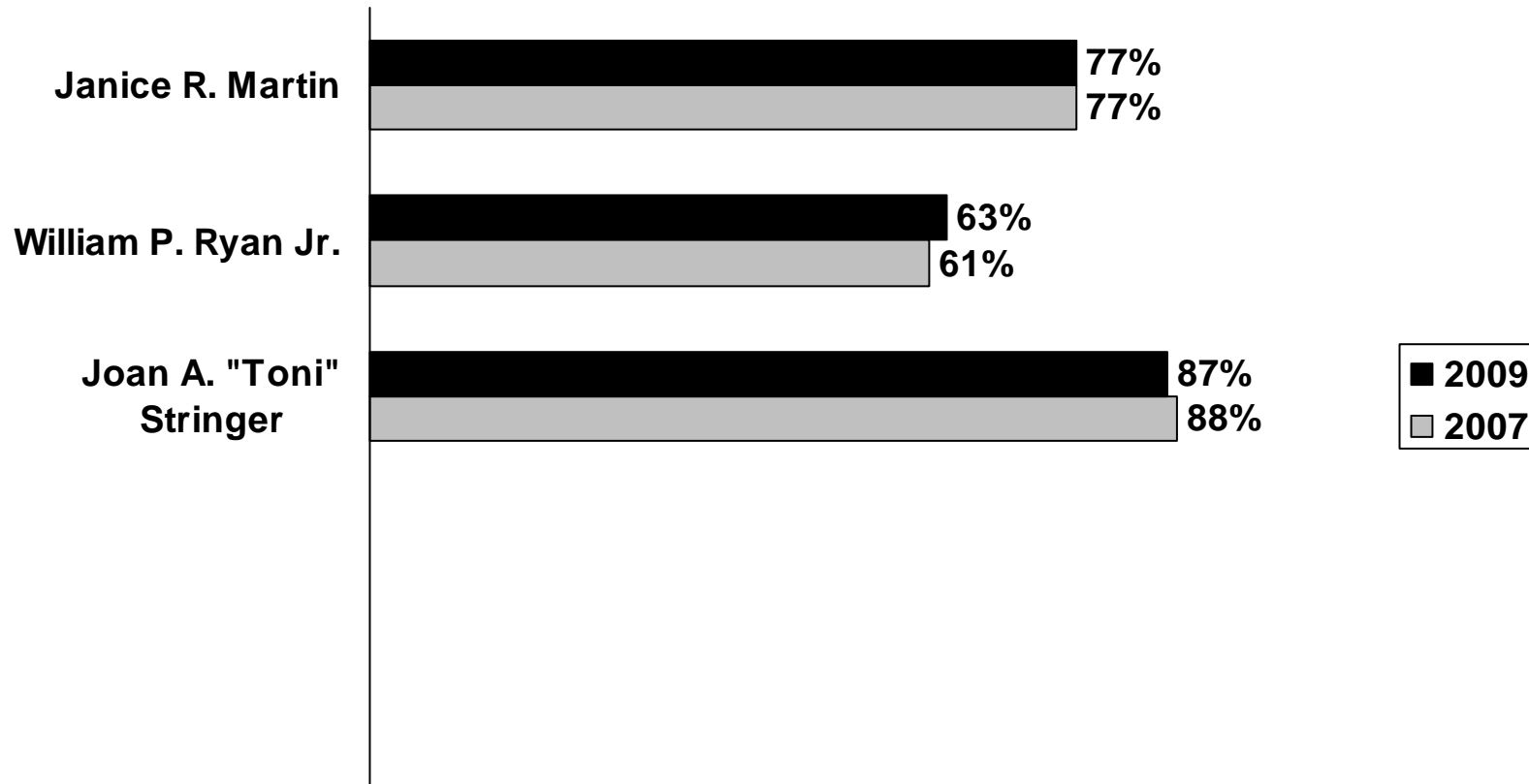
Legal Ability Jefferson District Court – Senior Status



Note: Paula Fitzgerald not evaluated in 2007.



Legal Ability Jefferson District Court – Senior Status (Continued)







Civil Cases Ratings

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

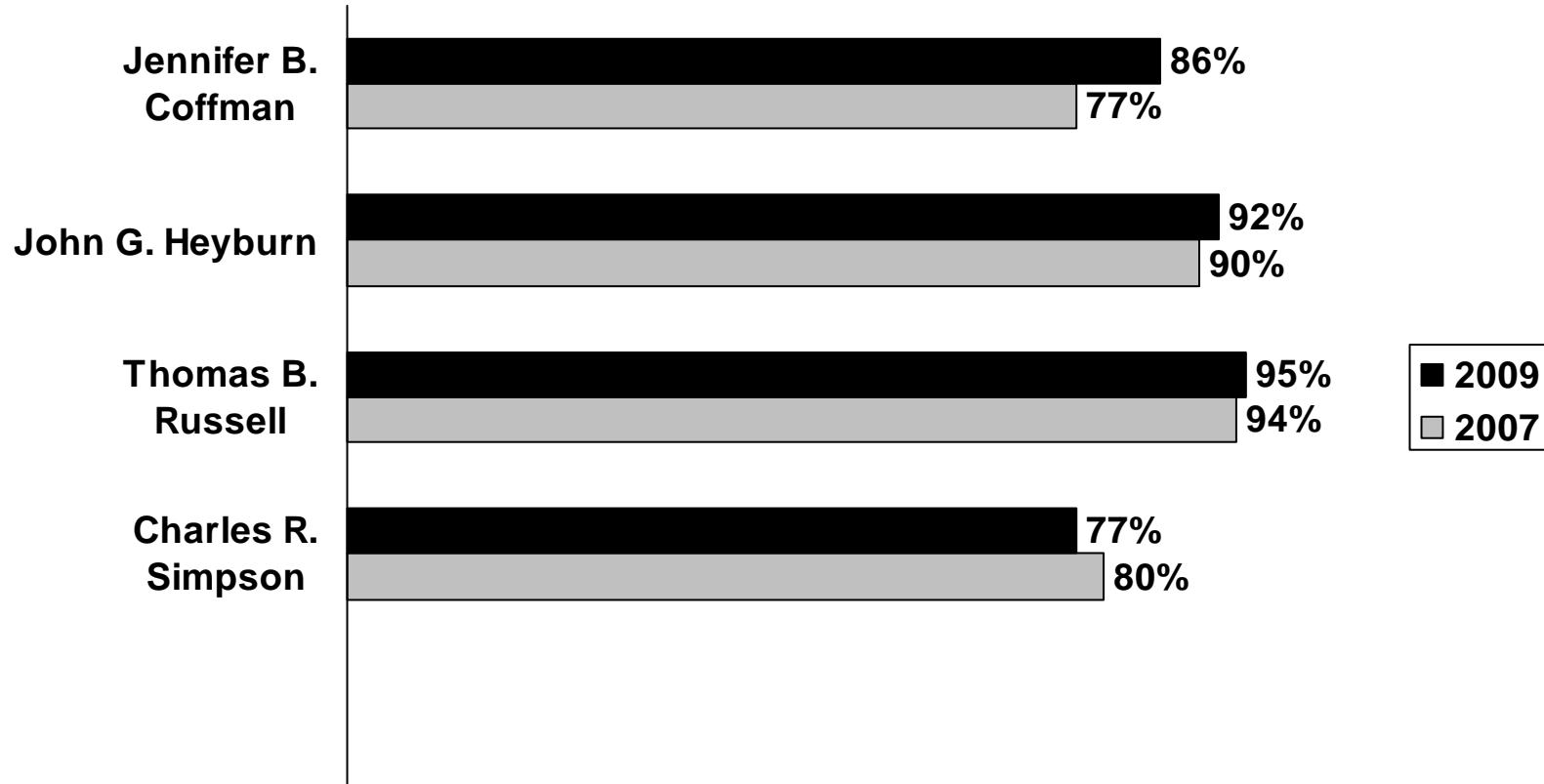
- Does a good job in handling civil cases.

U.S Bankruptcy Court judges and Magistrates were not evaluated on civil cases.



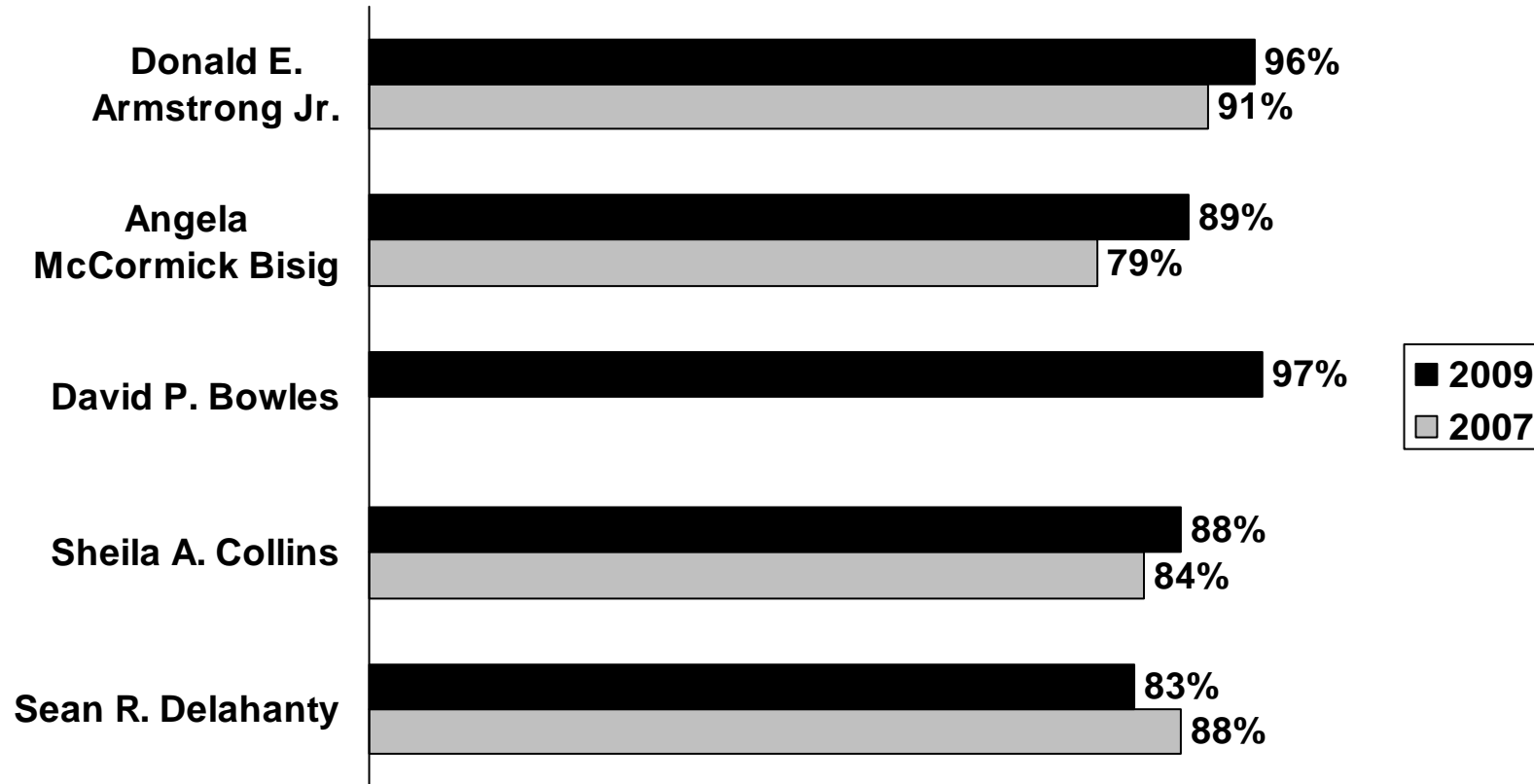
Civil Cases

United States District Court for the Western District of Kentucky





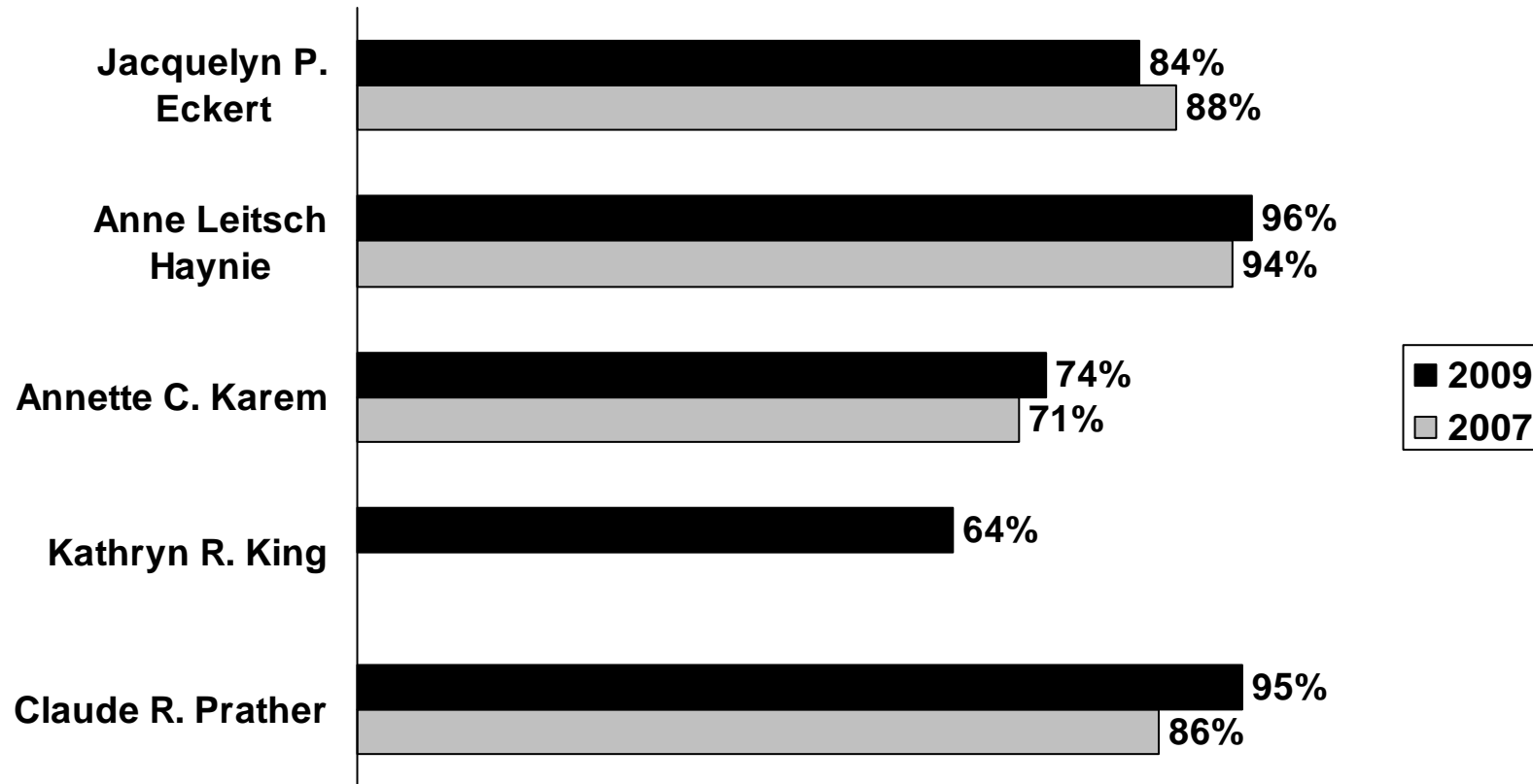
Civil Cases Jefferson District Court



Note: David P. Bowles not evaluated in 2007.



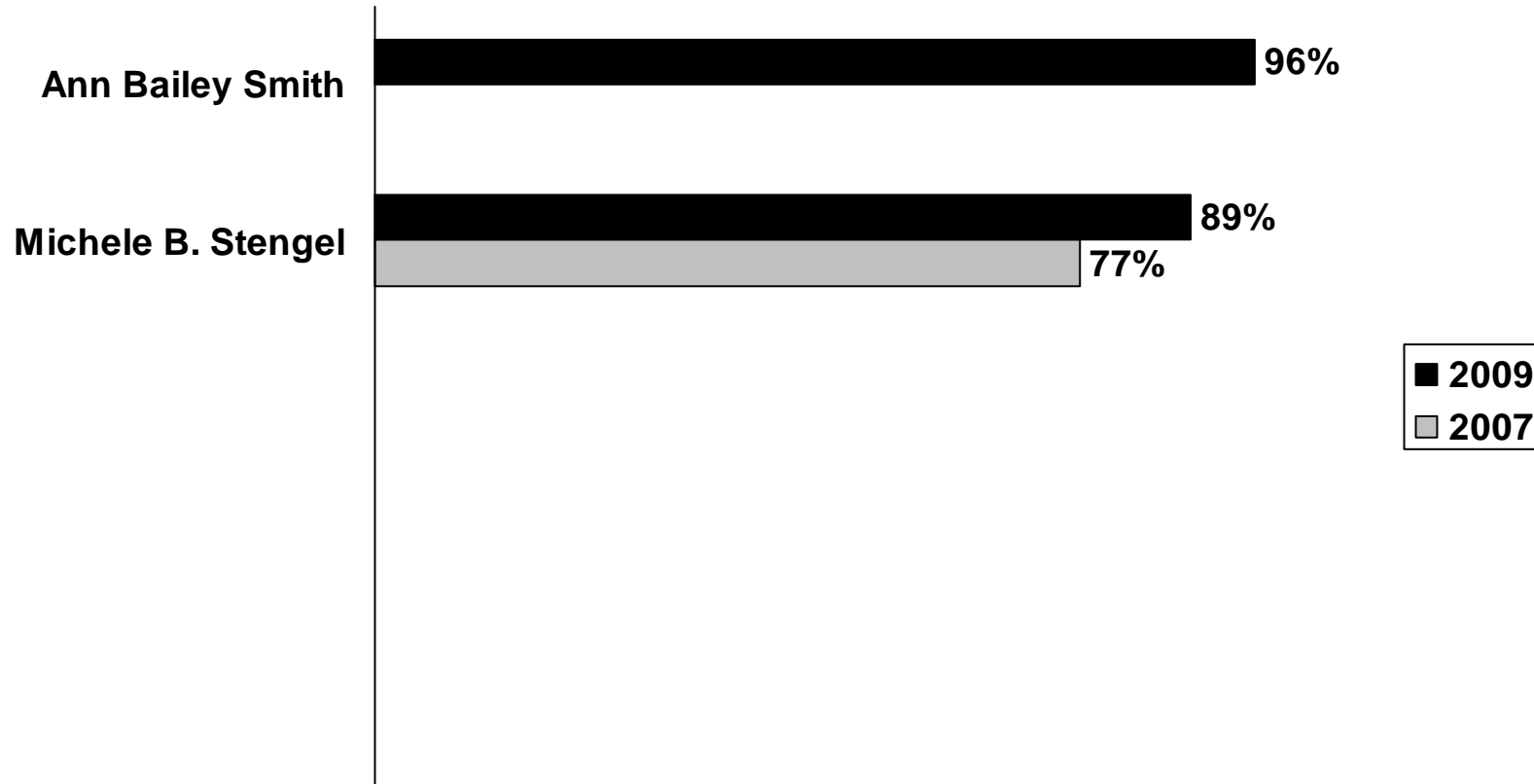
Civil Cases Jefferson District Court (Continued)



Note: Kathryn R. King not evaluated in 2007.



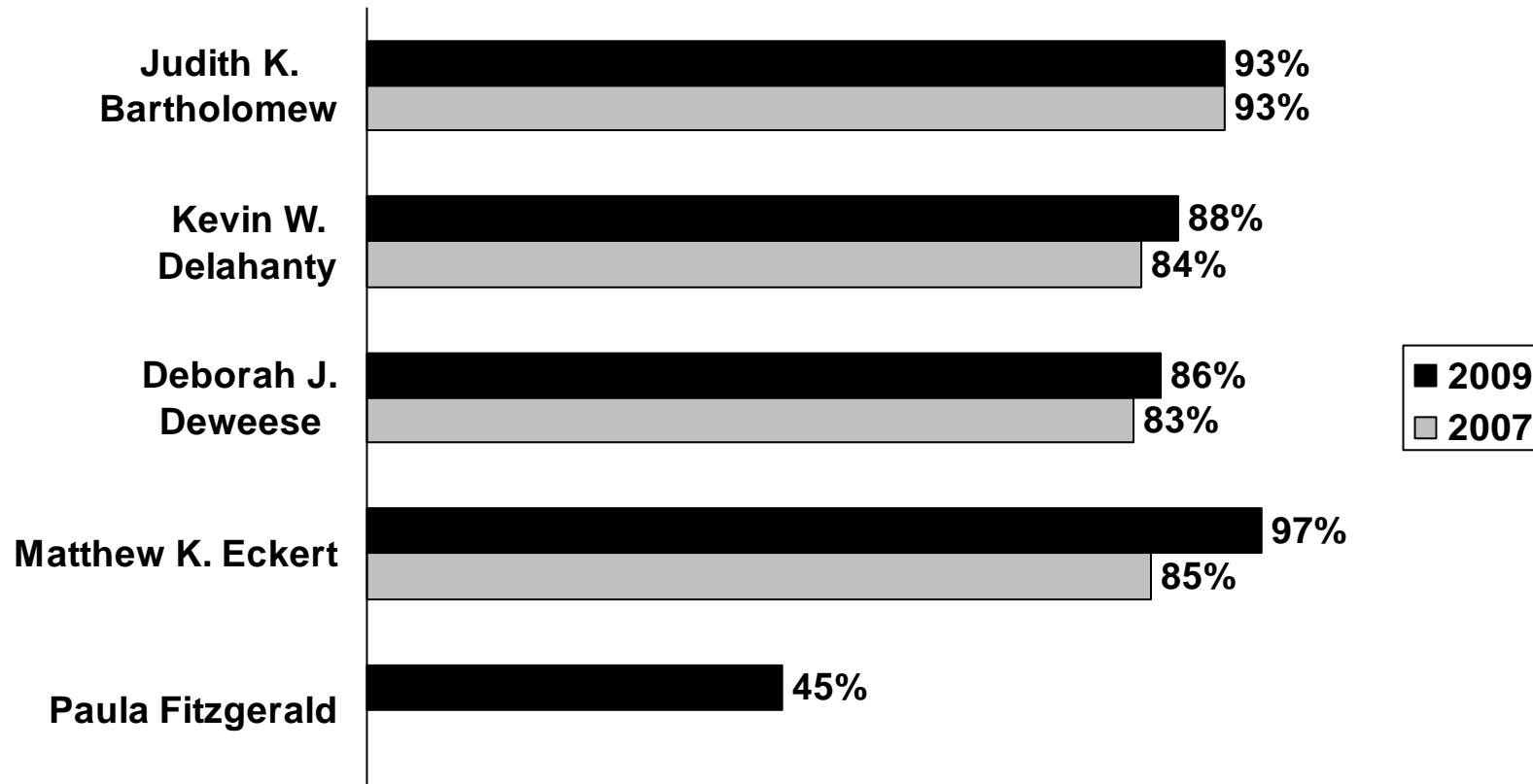
Civil Cases Jefferson District Court (Continued)



Note: Ann Bailey Smith not evaluated in 2007.



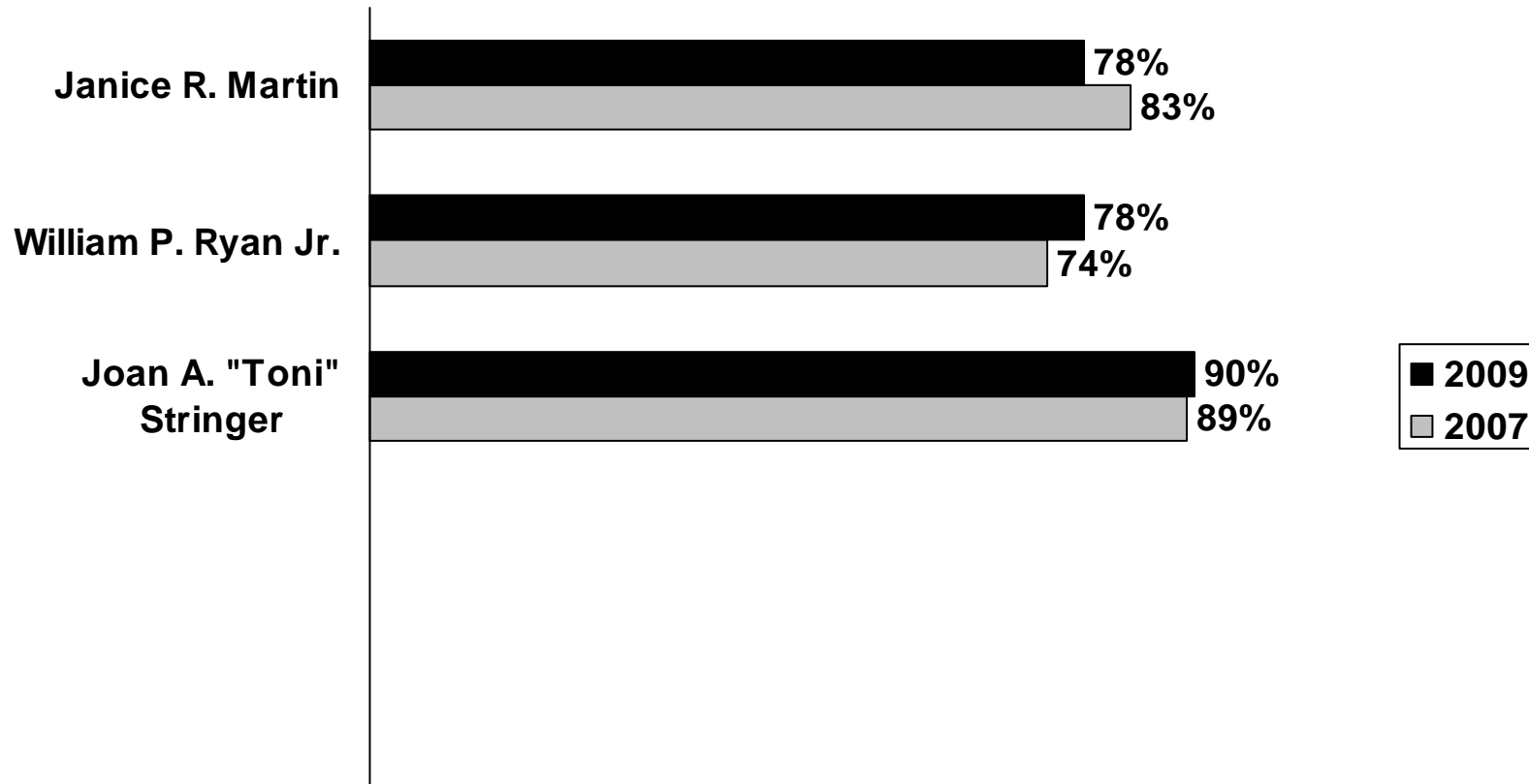
Civil Cases Jefferson District Court – Senior Status



Note: Paula Fitzgerald not evaluated in 2007.



Civil Cases Jefferson District Court – Senior Status (Continued)







Criminal Cases Ratings

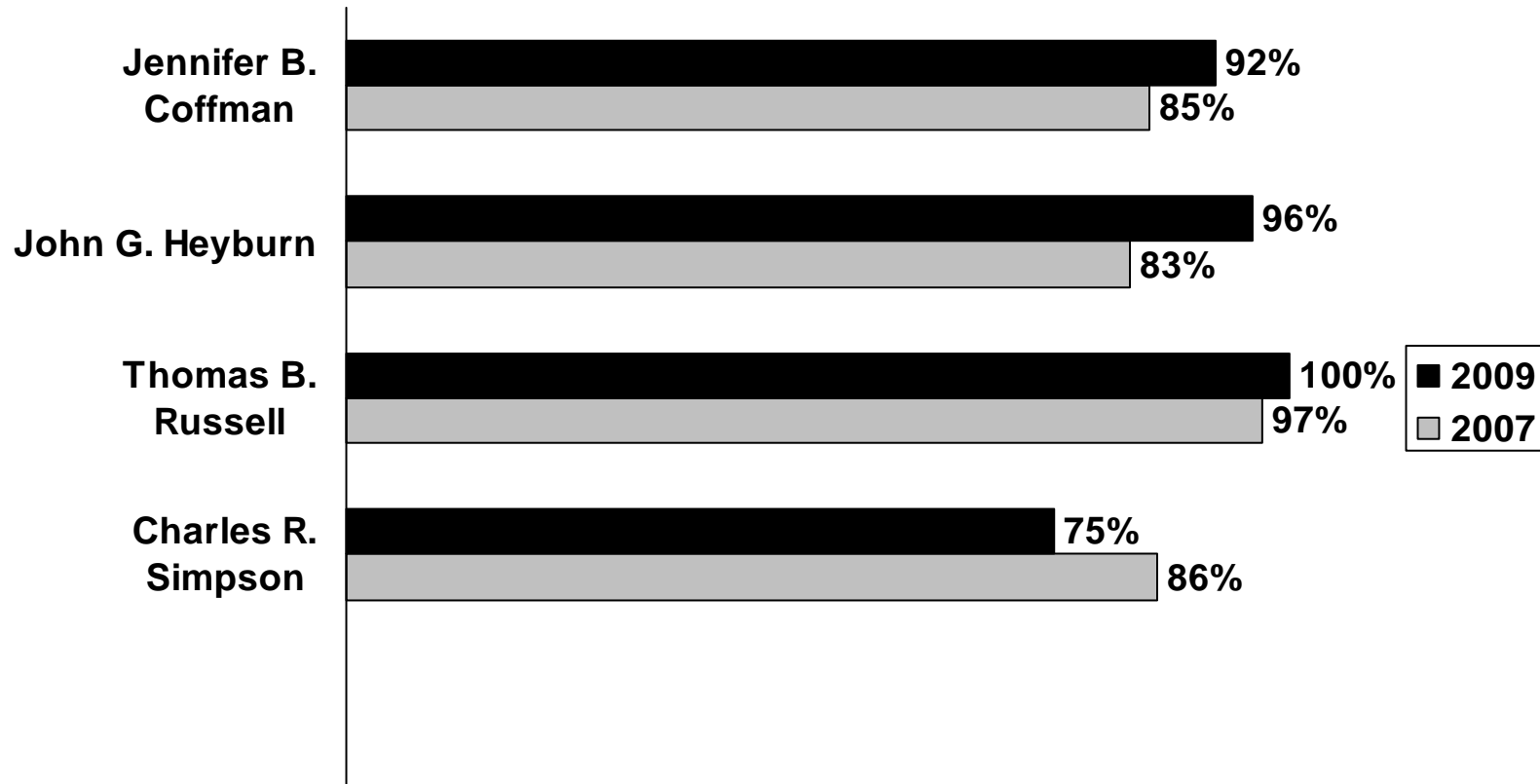
The following charts show the level of agreement with the following statement for each judge:

- Does a good job in handling criminal cases.

U.S Bankruptcy Court judges and Magistrates were not evaluated on criminal cases.

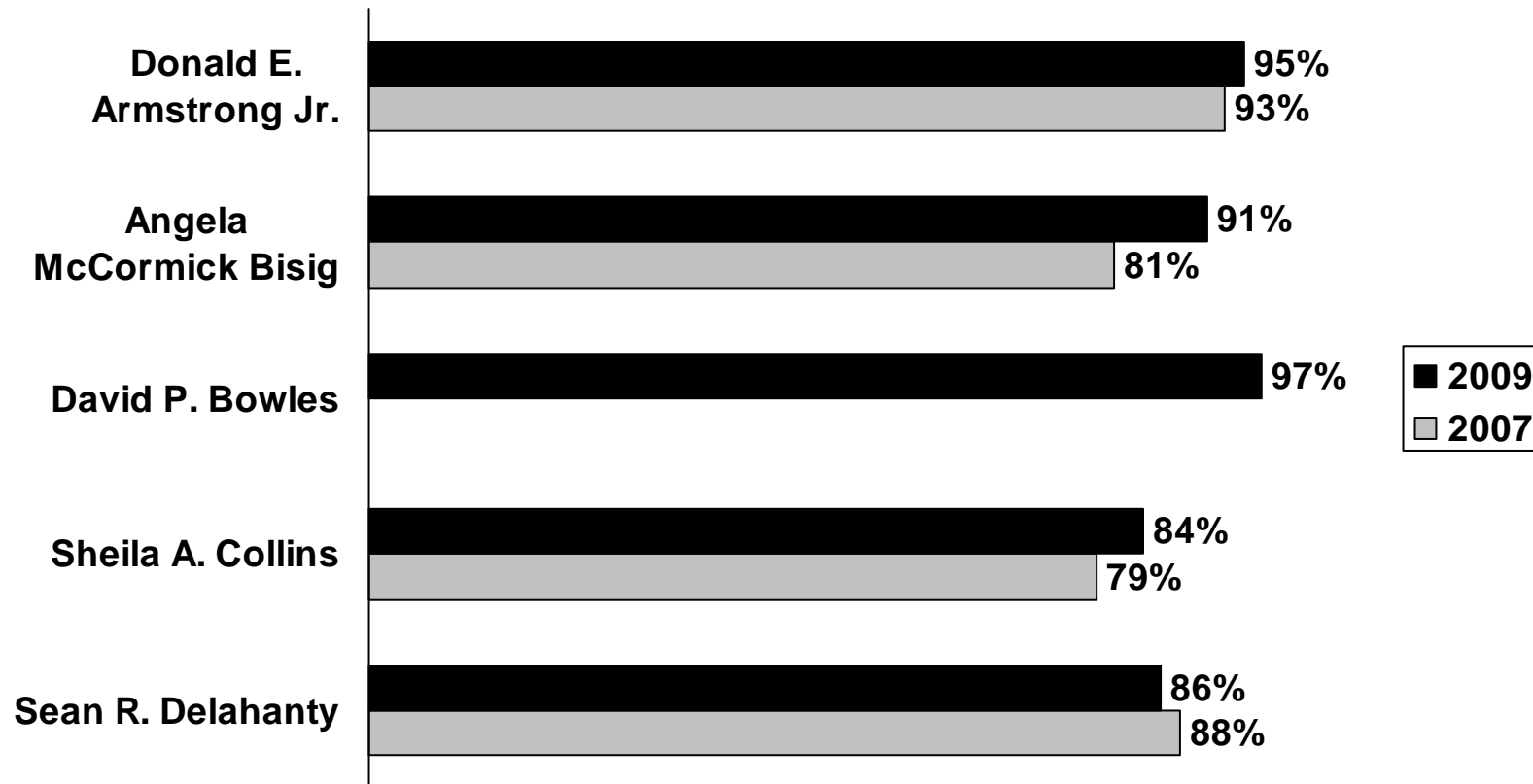


Criminal Cases United States District Court for the Western District of Kentucky





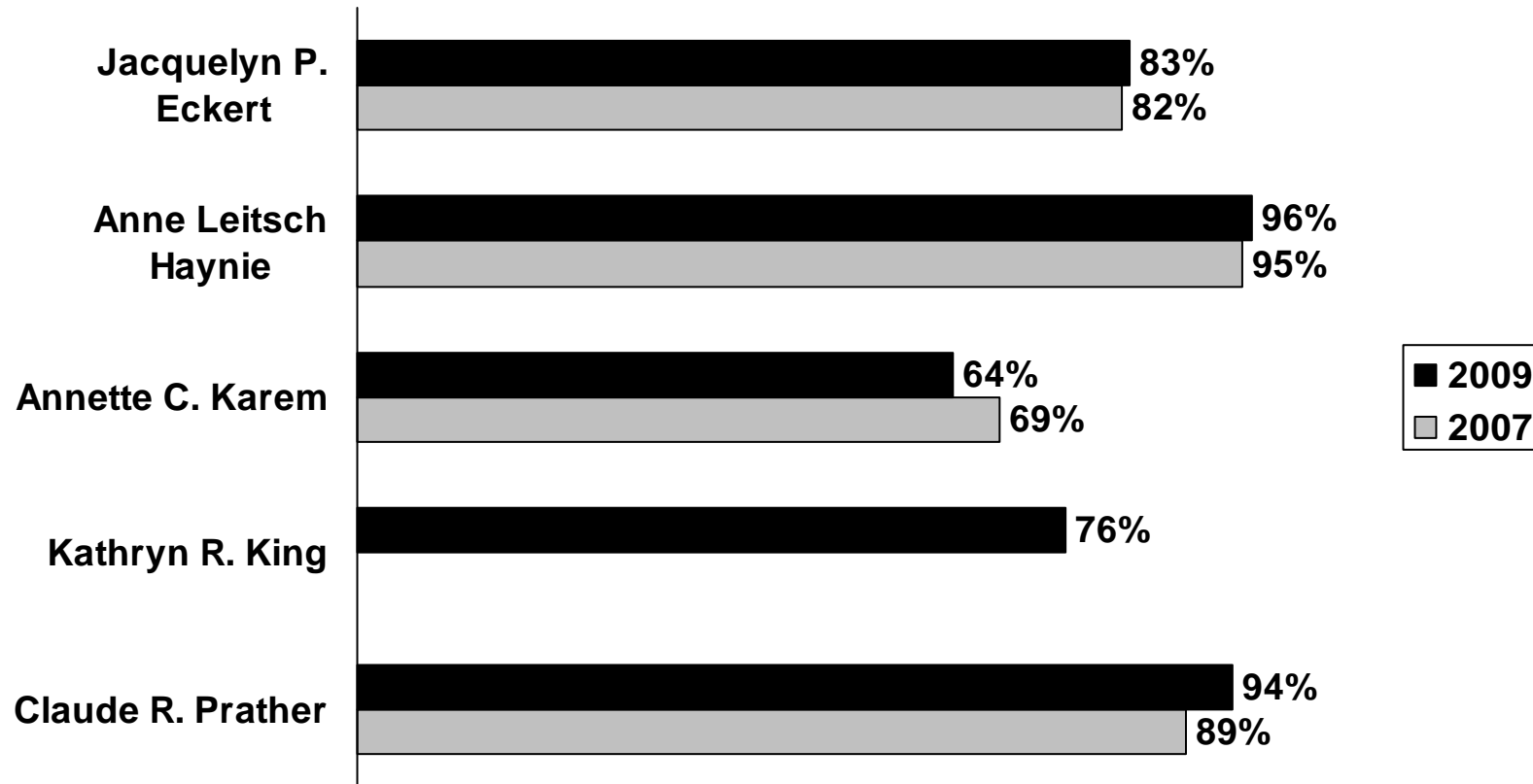
Criminal Cases Jefferson District Court



Note: David P. Bowles not evaluated in 2007.



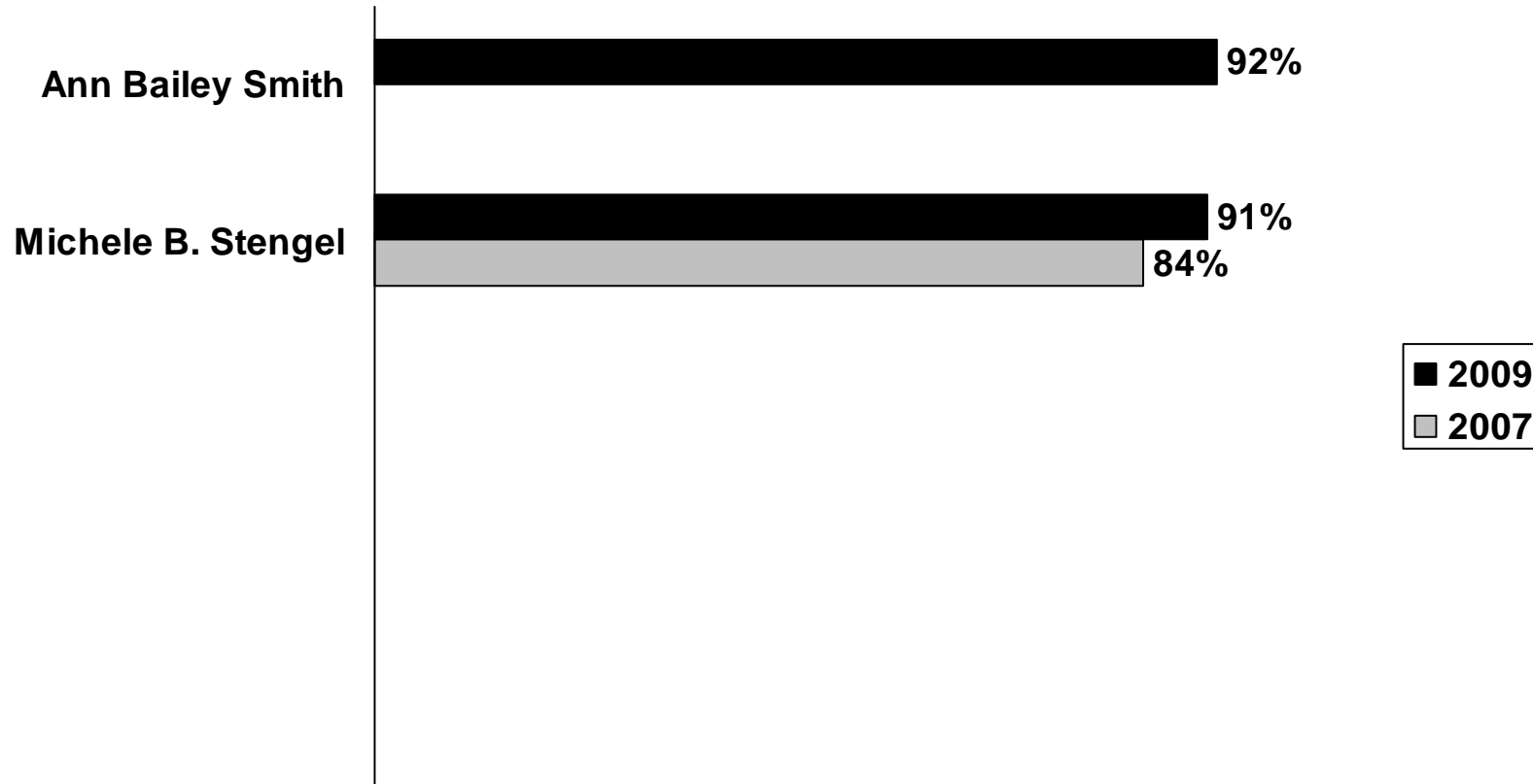
Criminal Cases Jefferson District Court (Continued)



Note: Kathryn R. King not evaluated in 2007.



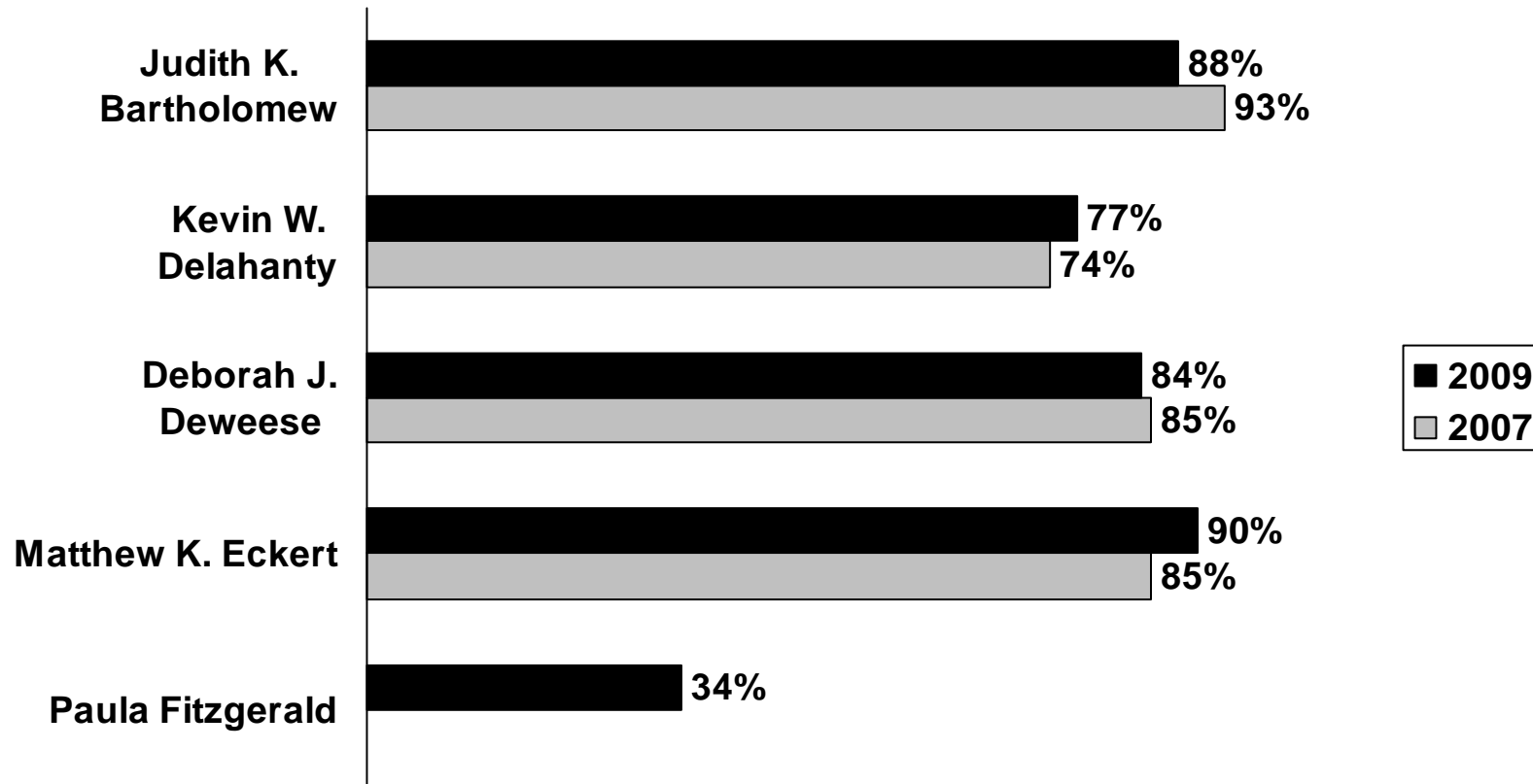
Criminal Cases Jefferson District Court (Continued)



Note: Ann Bailey Smith not evaluated in 2007.



Criminal Cases Jefferson District Court – Senior Status



Note: Paula Fitzgerald no evaluated in 2007.



Criminal Cases Jefferson District Court – Senior Status (Continued)

