Judicial Review Board

Board Meeting
October 03, 2022 5:30 p.m.
City Council Chambers Conference Room
City Center South, 1001 11th Avenue

AGENDA

1. Roll Call

2. Welcome New Member Beth Wagner

3. Consider Approval of the Meeting Report of January 27, 2022

4. Discuss Performance Review Process

    a. Courtroom observations
    b. Defendant survey
    c. Staff survey
    d. Attorney survey
        i. Prosecutors
        ii. Defense Attorneys
    e. Self-evaluation
    f. Statistics
    g. Tentative Timeline –
        i. Performance Review scheduled for late February
        ii. Report due to City Council and Judge Gonzales by early February

5. Tour of Municipal Court

6. Other Business

7. Scheduling of Meetings

8. Adjournment

City of Greeley, Colorado
JUDICIAL REVIEW BOARD
REPORT January 27, 2022

The meeting was called to order at 5:30 p.m. and conducted in a remote format via Zoom Meetings.

1. ROLL CALL

Board Members present included Angie McDowell, Jay Hill, and Nicholas Nakamura. Mr. Walter Sehl and Mr. Gerald Shadwick were absent. Interim City Clerk Stacey Aurzada, and Assistant City Clerk Allie Powell were also present.

2. CONSIDER APPROVAL OF THE MEETING REPORT OF JANUARY 24, 2022

Mr. Hill moved, seconded by Ms. McDowell, to approve the report, and the motion carried 3-0.

3. DISCUSS DRAFT OF JUDICIAL REVIEW REPORT AND EDITS

The floor was opened to discuss the Judicial Review report and the edits made to it. Mr. Hill gave opinions on the prosecuting attorney reviews and processes as well as the reviews in regards to COVID-19 protocols and procedures. Ms. Aurzada suggested adding a section addressing the credibility of the prosecuting attorney reviews.

The addition was discussed by the rest of the board and there appeared to be a consensus about adding a disclaimer regarding prosecuting attorney's remarks to the report. Ms. Aurzada added it to the report for the board members to review and they approved the changes as made.

The Board granted permission for their comments to be passed on to the City Attorney's office. Mr. Hill added commentary about the goal of increasing survey returns. The issue was addressed and the turnover in the clerk's office was discussed in relation to the lack of data. Ms. Aurzada suggested a revision of the report to address the desire of the Board to increase the survey return rate. The Board agreed and the change was made.

Mr Nakamura moved to approve the report and Ms. McDowell seconded. The motion passed 3-0 and the report was approved by the Board.

4. OTHER BUSINESS

No other business was presented by the board.

5. SCHEDULING OF MEETINGS

It was discussed that meetings would be scheduled as needed to discuss the Judicial Review Process and another meeting would likely be scheduled in September of 2022.

6. ADJOURNMENT

The meeting was adjourned at 5:53 p.m.

_____
Allie Powell, Assistant City Clerk

City of Greeley, Colorado

Judicial Review Board

2022 Summary of Judicial Performance Review Process

The Judicial Review Board's (JRB) responsibility is to gather performance information annually and report the information to City Council in preparation for Council's evaluation meeting with the Presiding Judge. The following tools are utilized to gather the information:

(1) Courtroom observations. The JRB members will make on-site visits to the courtroom to observe the Judge and the Court's operation and provide a summary of ratings and comments.

(2) Surveys. The JRB surveys individuals who have appeared before or have professional contacts with the Municipal Judge. The groups most frequently surveyed include: Attorneys, both defense and prosecution; litigants; court personnel such as court clerks and assistants, and law enforcement personnel including court bailiffs. In 2022, surveys will be distributed to defendants who appeared before the Judge, to all prosecuting and defense attorneys who appeared before the Judge, and Municipal Court staff including the bailiff.

(3) Self-evaluation. The JRB will request that the Municipal Judge complete a self-evaluation form that may include, but is not limited to, a self assessment of the Judge's strengths and weaknesses, goals for development and reputation in the legal community with regard to legal ability, integrity, communication skills, judicial temperament, administrative skills, settlement activities, judicial philosophy, community reputation, overall performance, and community service.

(4) Statistics. The JRB will review statistical information provided by the Municipal Judge regarding caseload and performance indicators and furnish comments regarding results and trends.

City of Greeley, Colorado
Judicial Review Board
c/o Clerk to Council
1000 10th Street
Greeley, CO 80631

2021 Courtroom Observations

*JRB members are encouraged to contact Krista Bagnall, Court Administrator at 350-9242 or Krista.Bagnall@greeleygov.com to confirm what's on the docket for any given day. Certainly members can still observe unannounced and anonymously, but checking the day's docket will be helpful in making your plans because the court session may end early on a light docket day, or a trial might be cancelled. Observing during the earlier portion of these pre-set times is the safest chance that there will be courtroom activity.

Please circle the number that most closely describes your opinion.

5=Outstanding 4=Excellent 3=Acceptable 2=Needs Improvement 1=Unacceptable N/A=Not applicable/can't rate

1. **Professional Demeanor:** How would you rate Judge Mark Gonzales on the manner in which he conducts himself and controls the court sessions (Is the court session under control, how does he interact with all parties, does he foster an environment of mutual respect)?

N/A (Proficient; respectful environment) 5 4 3 2 1 (Uncontrolled; disrespectful environment)

Comments:

2. **Impartiality**: How would you rate Judge Mark Gonzales on treating those involved in the case equally?

a) Regardless of race/ethnicity. **N/A (Equal treatment) 5 4 3 2 1 (Shows favoritism)**

b) Regardless of gender identity. **N/A (Equal treatment) 5 4 3 2 1 (Shows favoritism)**

c) Regardless of age. **N/A (Equal treatment) 5 4 3 2 1 (Shows favoritism)**

d) Regardless of social/economic status. **N/A (Equal Treatment) 5 4 3 2 1 (Shows favoritism)**

e) Both the prosecution and defense**.** **N/A (Equal Treatment) 5 4 3 2 1 (Shows favoritism)**

Comments:

3. **Communication skills**: How would you rate Judge Mark Gonzales on speaking in a way that is clearly understood by defendants:

N/A (Clear; understandable) 5 4 3 2 1 (Unclear, not understood)

Comments:

4. **Decision Making:** How would you rate Judge Mark Gonzales on considering all information presented when making a decision and making decisions without regard to public criticism:

N/A
(Informed decisions; regardless of public approval) 5
4
3
2
1 (Uninformed decisions; considers criticism)

Comments:

5. **Courtroom Management & Preparedness**: How would you rate Judge Mark Gonzales on his management of court arraignments and trials – is he prepared and are the sessions organized and handled in a timely, professional manner and in a way that makes the best use of court time while honoring customers' time?

N/A (Prepared, organized & timely) 5 4 3 2 1 (Not prepared, disorganized & untimely)

Comments:

6. **Consistency**: How would you rate Judge Mark Gonzales on his consistency in the application of penalties? Does he explain why penalties may be different for different defendants charged with the same offense?

N/A (Consistent) 5 4 3 2 1 (Inconsistent)

Comments:

7. Other comments regarding the Judge's strengths and weaknesses:

Comments:

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2022 Judicial Performance Questionnaire

Please rate Judge Mark Gonzales on the areas listed below using this scale:

5=Outstanding 4=Excellent 3=Acceptable 2=Needs Improvement 1=Unacceptable N/A=Not Applicable/Can't Rate

1. **Courtesy:** How would you rate Judge Mark Gonzales on:

   a) Being courteous toward everyone in the courtroom. **5 4 3 2 1 N/A**

   b) Being courteous toward persons representing themselves. **5 4 3 2 1 N/A**

2. **Impartiality**: How would you rate Judge Mark Gonzales on treating those involved in the case equally:

   a) Regardless of race/ethnicity. **5 4 3 2 1 N/A**

   b) Regardless of gender identity. **5 4 3 2 1 N/A**

   c) Regardless of age. **5 4 3 2 1 N/A**

   d) Regardless of social/economic status. **5 4 3 2 1 N/A**

3. **Communication skills**: How would you rate Judge Mark Gonzales on speaking in a way that is clearly understood while explaining court procedures?
   5 4 3 2 1 N/A

4. **Application of the Law**: How would you rate Judge Mark Gonzales on:

   a) Considering all information presented when making a decision. **5 4 3 2 1 N/A**

   b) Making decisions without regard to criticism. **5 4 3 2 1 N/A**

Your Background:

5. To what gender do you most identify? ❑ Male ❑ Female ❑ Transgender/Female ❑ Transgender/Male ❑ Gender Variant/Non-Conforming ❑ Prefer Not to Answer

6. What is your age? _____

7. What is your race or ethnicity?
   - ❑ American Indian - origin in North America, to include Alaska
   - ❑ Asian - origins in Far East, Southeast Asia, India or South Pacific Islands
   - ❑ Black or African American - origin in Africa
   - ❑ Hispanic - origins in Mexico, Puerto Rico, Cuba, Central or South America
   - ❑ White - origins in Europe, North Africa or Middle East

We welcome any comments or questions concerning your court experience. Thank you. _____

_____

_____

_____

Para Español vea el Reverso

Ciudad de Greeley, Colorado
Comité Examinador Judicial
c/o del Oficinista al Consejo
1000 10th Street
Greeley, CO 80631

2022 Questionario de Evaluación Judicial

Por favor, califique a el Juez Mark Gonzales en las zonas que figuran a continuación utilzando la siguiente escala:

5=Revelante 4=Excelente 3=Aceptable 2=Necesita Mejorar 1=Inaceptable N/A= No me aplica/No puedo evaluar

1. **Cortesia:** Como podria usted evaluar al Juez Mark Gonzales en:

   a) Siendo cortez con todos en el salon de corte. **5 4 3 2 1 N/A**

   b) Siendo cortez con las personas que se representan asi mismas. **5 4 3 2 1 N/A**

2. **Imparcialidad**: Como podria evaluar al Juez Mark Gonzales en tratar a los que estan envueltos en el caso con igualdad:

   a) De acuerdo a su raza/etnico. **5 4 3 2 1 N/A**

   b) De acuerdo a su identidad de género. **5 4 3 2 1 N/A**

   c) De acuerdo a su edad. **5 4 3 2 1 N/A**

   d) De acuerdo a su posicion social/economica. **5 4 3 2 1 N/A**

3. **Habilidades de Comunicación**: Como podria evaluar al Juez Mark Gonzales hablando en una manera clara y entendible mientras explica los procedimientos de la corte:

   5 4 3 2 1 N/A

4. **Aplicacion de la ley**: Como podria evaluar al Juez Mark Gonzales en:

   a) Considerando toda la información presentada al hacer una decision**.** **5 4 3 2 1 N/A**

   b) Tomar decisiones sin tener en cuenta las críticas. **5 4 3 2 1 N/A**

Antecedentes:

5. ¿Con qué género te identificas más? ❑ Masculino ❑ Femenino ❑ Transgénero/Femenino ❑ Transgénero/Masculino ❑ Variante de género /No Conforme ❑ Prefiero no responder

6. ¿Cual es su edad? _____

7. ¿Cual es su raza o grupo etnico?
   - ❑ Indio Americano - origen en Norteamerica, incluyendo Alaska
   - ❑ Asiático - origenes en el Este Lejano, Asia Suroriental, La India o Islas del Pacificao sur
   - ❑ Negro o Afroamericano- origen en Africa
   - ❑ Hispano- origenes en Mexico, Puerto Rico, Cuba, Centro o del Sur America
   - ❑ Blanco- origenes in Europa, Africa del Norte o este Medio

Recibimos cualquier commentario o pregunta referente a su experencia en la audencia. Gracias. _____
_____
_____
_____

For English, see reverse.

Judicial Performance Survey – Court Staff

Q1 Professional Demeanor: How would you rate Judge Gonzales on the manner in which he conducts himself and controls the court sessions (Is the court session under control; how does he interact with all parties; does he foster an environment of mutual respect?): (Scale of 1-5)

Q2 Impartiality: How would you rate Judge Gonzales on treating those involved in the case equally:

a) Regardless of race/ethnicity (Scale of 1-5)
b) Regardless of gender identity (Scale of 1-5)
c) Regardless of age (Scale of 1-5)
d) Regardless of social/economic status (Scale of 1-5)
e) Both the prosecution and defense (Scale of 1-5)

Q3 Communication Skills: How would you rate Judge Gonzales on speaking in a way that is clearly understood by defendants: (Scale of 1-5)

Q4 Decision Making: How would you rate Judge Gonzales on considering all information presented when making a decision and making decisions without regard to criticism: (Scale of 1-5)

Q5 Courtroom Management & Preparedness: How would you rate Judge Gonzales on his management of court arraignments and trials – is he prepared and are the sessions organized and handled in a timely, professional manner and in a way that makes the best use of court time while honoring participants' time?: (Scale of 1-5)

Q6 Consistency: How would you rate Judge Gonzales on his consistency in the application of penalties? Does he explain why penalties may be different for different defendants charged with the same offense?: (Scale of 1-5)

Q7 We welcome any more comments regarding Judge Gonzales' strengths and weaknesses: (Open ended)

Note: There is also a space for comment on each of Q1-Q6.

Judicial Performance Survey – Prosecuting Attorney

Q1 Courtesy: How would you rate Judge Gonzales on:

a) Being courteous toward everyone in the courtroom (Scale of 1-5)
b) Being courteous toward persons representing themselves (Scale of 1-5)

Q2 Impartiality: How would you rate Judge Gonzales on treating those involved in the case equally:

a) Regardless of race/ethnicity (Scale of 1-5)
b) Regardless of gender identity (Scale of 1-5)
c) Regardless of age (Scale of 1-5)
d) Regardless of social/economic status (Scale of 1-5)
e) Both the prosecution and defense (Scale of 1-5)

Q3 Communication Skills: How would you rate Judge Gonzales on speaking in a way that is clearly understood:

a) By defendants (Scale of 1-5)
b) By court personnel (Scale of 1-5)

Q4 Application of the Law: How would you rate Judge Gonzales on:

a) Considering all information presented when making a decision (Scale of 1-5)
b) Making decisions without regard to criticism (Scale of 1-5)

Q5 Courtroom Management & Preparedness: How would you rate Judge Gonzales on his management of court arraignments and trials – is he prepared and are the sessions organized and handled in a timely, professional manner and in a way that makes the best use of court time while honoring participants' time?: (Scale of 1-5)

Q6 We welcome any more comments regarding Judge Gonzales' strengths and weaknesses: (open ended)

Note: There is also a space for comment on each of Q1-Q5.

Judicial Performance Survey – Defense Attorney

Q1 Courtesy: How would you rate Judge Gonzales on:

a) Being courteous toward everyone in the courtroom (Scale of 1-5)
b) Being courteous toward persons representing themselves (Scale of 1-5)

Q2 Impartiality: How would you rate Judge Gonzales on treating those involved in the case equally:

a) Regardless of race/ethnicity (Scale of 1-5)
b) Regardless of gender identity (Scale of 1-5)
c) Regardless of age (Scale of 1-5)
d) Regardless of social/economic status (Scale of 1-5)
e) Both the prosecution and defense (Scale of 1-5)

Q3 Communication Skills: How would you rate Judge Gonzales on speaking in a way that is clearly understood:

a) By defendants (Scale of 1-5)
b) By court personnel (Scale of 1-5)

Q4 Application of the Law: How would you rate Judge Gonzales on:

a) Considering all information presented when making a decision (Scale of 1-5)
b) Making decisions without regard to criticism (Scale of 1-5)

Q5 Courtroom Management & Preparedness: How would you rate Judge Gonzales on his management of court arraignments and trials – is he prepared and are the sessions organized and handled in a timely, professional manner and in a way that makes the best use of court time while honoring participants' time?: (Scale of 1-5)

Q6 We welcome any more comments regarding Judge Gonzales' strengths and weaknesses: (open ended)

Note: There is also a space for comment on each of Q1-Q5.

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2022 Self Evaluation (Mark Gonzales)

One function of the Greeley Judicial Review Board is to gather information for City Council to use in its annual performance evaluation of the Municipal Judge. This form is intended to be one information-gathering tool and is to be used to facilitate **self-assessment** and **plans for professional development**.

Please indicate below how you think others have rated you in these areas, and rate yourself in the same areas.

Please circle the number that most closely describes your opinion.

5=Outstanding 4=Excellent 3=Acceptable 2=Needs Improvement 1=Unacceptable

1. **Courtesy:**

Others would rate me:	Performance Element:	I rate myself:
5 4 3 2 1	Being courteous toward everyone in the courtroom.	5 4 3 2 1
5 4 3 2 1	Being courteous toward defendants.	5 4 3 2 1

Comments:

2. **Impartiality**: Treating those involved in the case equally:

Others would rate me:	Performance Element:	I rate myself:
5 4 3 2 1	Regardless of race/ethnicity.	5 4 3 2 1
5 4 3 2 1	Regardless of gender identity.	5 4 3 2 1
5 4 3 2 1	Regardless of age.	5 4 3 2 1
5 4 3 2 1	Regardless of social/economic status.	5 4 3 2 1
5 4 3 2 1	Both the prosecution and defense.	5 4 3 2 1

Comments:

3. **Communication skills:**:

Others would rate me:	Performance Element:	I rate myself:
5 4 3 2 1	Speaking in a way that is clearly understood and explaining court procedures thoroughly to defendants, staff and attorneys.	5 4 3 2 1

Comments:

4. **Application of the Law**:

Others would rate me:	Performance Element:	I rate myself:
5 4 3 2 1	Considering all information presented when making a decision.	5 4 3 2 1
5 4 3 2 1	Making decisions without regard to public criticism.	5 4 3 2 1

Comments:

5. **Courtroom Management & Preparedness**:

Others would rate me:	Performance Element:	I rate myself:
5 4 3 2 1	Management of court arraignments and trials – being prepared, organized sessions, handled in a timely, professional manner and in a way that makes the best use of court time while honoring participants' time.	5 4 3 2 1

Comments:

6. **Staff treatment:**

Others would rate me:	Performance Element:	I rate myself:
5 4 3 2 1	Treating court staff with dignity and respect?	5 4 3 2 1

Comments:

7. **Accomplishments:**

Please discuss the key achievements in 2022 and list any process changes implemented:

8. **Strengths and Challenges:**

Please comment on your strengths and challenges.

9. **Goals for Next Year:**

Please list specific goals for 2023.

10. **Other Comments:**

Please add any other comments desired for Council's consideration.