



Alexander Falconi <admin@ournevadajudges.com>

RJ Judicial survey questions

2 messages

Nancy Downey <nancy@downeyresearch.com>
To: Alexander Falconi <admin@ournevadajudges.com>

Tue, Aug 13, 2019 at 12:22 PM

Dear Mr. Falconi:

In response to your recent questions and concerns regarding the 2019 Review-Journal Judicial Evaluation, I have listed our explanations in italics after each of your original questions below. Please let us know if you need any further clarification.

1. Attorneys are providing reviews of judges they have never stood before based on instructions from firm partners and other superiors.

We recognize that this is a problem inherent in this kind of project. We hope that attorneys will provide thoughtful, relevant evaluations of judges, but we also know that this is not always the case. This is one reason that we will be looking for patterns in the data that are indicative of ballot box stuffing or other campaigns to inflate or deflate the evaluation scores of individual judges.

2. Judges are receiving surveys and reviewing themselves.

For the current survey, we have endeavored to remove active judges from the mailing list. Indeed, some judges have contacted us because they have not received the evaluations. We have explained to those judges that we are surveying only attorneys this time.

My understanding is:

1. All active bar members receive 3 surveys.

There is only ONE survey that has different sections for various Judicial departments; although the questions are slightly different for appellate judges.

2. All active bar members may choose to review any judge for each survey.

They are instructed to read and affirm the eligibility requirements before they participate. We have asked attorneys to review only judges they have direct experience with. The new version of the evaluation instrument asks respondents about behaviors that they have witnessed directly during the course of their business in front of the judge. This wording is different from the old wording, which asked about "characteristics" of the judges instead of behaviors. It is our hope that this new wording will reinforce the requirement that attorneys only evaluate judges in front of whom they have had official business during the evaluation period.

My inquiry is as follows:

1. Are participants allowed to review judges they have never participated in front of?

Attorneys are asked to evaluate only those judges in front of whom they have had official business during the evaluation period. In addition, the new behavior-focused wording of the surveys emphasizes the fact that evaluations are to be based upon observed behavior, not general personality characteristics inherent to the judge.

2. Are Judges sent surveys, and if so, are Judges allowed to survey themselves?

NO

3. Are judicial staff (e.g. law clerks) sent surveys, and if so, are they allowed to survey the Judge they work for?

NO – only attorneys with a Bar number verified with the State Bar of Nevada mailing list we used.

4. Are numbers published on how many surveys a particular judge has (revealing anomalies, e.g. a particular judge having 1000 survey responses, and another judge having 10.)

As in previous years, we will be publishing the number of responses upon which each score will be based. However, unlike previous years, the focus of the report will be on composite score ranges. This is done in order to avoid the perception that our instrument is more precise than it really is. Disclaimers will be included on evaluations of judges that are based on a small sample size.

I'm also curious to what extent controls are put in place, as opposed to relying on the "Honor System."

Some level of reliance on an honor system is unavoidable with this kind of survey. We do not have data linking specific attorneys to judges through their business in front of the court. However, we do have some protections in place to avoid the consequences of widespread, non-random false answers. First, we have a login system that disallows repeat evaluations of judges from the same attorney. In addition, we have statistical tools at our disposal that can help us to recognize patterns in the data that are indicative of attempts to "stuff the ballot box" to inflate or deflate a particular judge's numbers.

Thank you,

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To: Nancy Downey <nancy@downeyresearch.com>

Tue, Aug 13, 2019 at 1:05 PM

Thank you Ms. Downey:

Based on these responses we won't be purging the poll from our repositories and will let the viewers give the poll the weight they deem appropriate. We'll incorporate into our policy that the poll is presumed valid unless a judge can convince our Data Scientist that their specific results are skewed. It is unlikely this will occur.

Your time on this issue is very appreciated; at the very least your work speaks volumes as to the judiciary's perception of the relevancy of the poll.

[Quoted text hidden]

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Alexander Falconi
Administrator

8/17/2019

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