

Judicial Performance Evaluation Survey – Phase II

INTRODUCTION

The Judicial Performance Evaluation (JPE) Committee of the North Carolina Bar Association is pleased to provide this report summarizing the results of Phase II of its survey of North Carolina Superior and District Court judicial candidates. In a 2015 survey conducted from October 5 to October 26 (Phase I), attorneys evaluated sitting Superior and District Court judges elected or appointed to the bench before March 31, 2015, whose terms expire in 2016, as well as Special Superior Court judges. The report of that survey was released in December 2015 and is available at www.electncjudges.org. In a second survey conducted December 23, 2015 to January 20, 2016 (Phase II), attorneys evaluated Superior and District Court judges who were not in Phase I and whose terms expire in 2016 and lawyers who filed as judicial candidates for Superior and District Court.

BACKGROUND

In 2006, the NCBA's Administration of Justice Committee produced a report noting the lack of information available to members of the public to enable them to cast an informed vote based on a judge's performance. The report recommended the creation of the JPE Committee. The NCBA's Board of Governors followed that recommendation and the JPE Committee was formed in 2008. The committee was charged with creating and administering a survey by which lawyers could evaluate a judge's performance. Results of the survey could be utilized to provide information for the voting public. The JPE Committee is currently led by attorney Charles Raynal.

The NCBA contracted with BDO USA, LLP, a national accounting firm with local offices in Raleigh, to conduct the survey. BDO USA served as gatekeeper throughout the survey process, ensuring that only persons meeting the survey requirements were allowed to participate and that those who did participate remained anonymous.

The NCBA also employed statistician Larry Nelson, a well-respected retired member of the faculty at North Carolina State University, to evaluate the methodology to ensure that the survey would encourage the most participation possible and generate statistically valid results.

SURVEY DETAILS

The survey asked attorneys with an active North Carolina law license to rate each candidate with whom the attorney had sufficient professional interaction to be able to evaluate the candidate's performance in the six categories below, using a scale of 5 (excellent), 4 (good), 3 (average), 2 (below average) and 1 (poor):

- 1. Integrity and Impartiality:** Is fair to all persons and refrains from inappropriate ex parte communications. As a lawyer, bases legal arguments on facts and law. As a judge, bases decisions on facts and law;
- 2. Legal Ability:** Demonstrates knowledge of law and rules of procedure and evidence;
- 3. Professionalism:** Exercises patience; is courteous to all and attentive to proceedings; fulfills duties and responsibilities; and upholds the dignity of the court and the legal profession;
- 4. Communication:** Speaks clearly and understandably. As a lawyer, prepares coherent and carefully reviewed papers for use in-and-out of court. As a judge, prepares coherent decisions and carefully reviews orders before entry;
- 5. Administrative Skills:** Is punctual and prepared; uses time efficiently; meets deadlines appropriately and demonstrates an organized approach to matters. As a judge, enforces deadlines appropriately, makes timely decisions, and enters orders promptly; and
- 6. Overall Performance:** Rate the individual's overall performance.

If the rating attorney felt that his or her knowledge of a particular candidate was sufficient to rate some but not all of the qualities, the lawyer indicated "do not know" for the quality or qualities that he or she felt unqualified to rate. As a result, the number of responses for a single candidate may vary somewhat among the six categories.

To identify those Superior and District Court judges who were not in Phase I and whose terms expire in 2016 and the lawyers who had filed as candidates for the Superior and District Courts, the JPE Committee collected information from the North Carolina State Board of Elections and the North Carolina Administrative Office of the Courts. A total of 80 individuals were included in the survey. A total of nine judges, two in Superior Court and seven in District Court, were subject to the survey. A total of 71 lawyer candidates were subject to the survey.

A list was compiled of the slightly more than 23,000 lawyers having an active North Carolina law license, and email addresses for approximately 99 percent of those attorneys were identified. Attorneys with email addresses were able to participate in the survey online via an electronic invitation from BDO USA. Attorneys without email addresses; attorneys who notified the NCBA that they did not wish to participate online; attorneys working for the government, including judges, clerks of court, district attorneys and public defenders; and members of the NCBA's Senior Lawyers Division were provided a paper version of the survey.

On December 23, 2015, BDO USA distributed the survey electronically to each attorney with a known email address. In early January 2016, paper surveys were mailed with an enclosed business reply envelope addressed to and returned directly to BDO USA, who had exclusive access to manage the survey. All survey responses were directed to BDO USA, who protected confidentiality, ensured that each respondent was an eligible attorney and safeguarded against the possibility of multiple responses from one individual.

The survey was open for participation from December 23, 2015 to January 20, 2016. BDO USA compiled the survey results for Professor Nelson, who conducted a statistical analysis. Professor Nelson received anonymous raw data from the survey, which did not identify the candidates. Upon review of the data, Professor Nelson reported that the results were statistically valid for each candidate included in the survey.

SUMMARY OF RESULTS

The total number of responses per candidate varied, reflecting the total number of attorneys who practice in the particular judicial district in which the candidate proposes to serve. The numbers may also be an indication of how well known the candidate is in the legal community.

NAVIGATING THIS REPORT

The information in this report is set out in two distinct sections.

The first section sets forth the summary results for each candidate included in the report. The information in this first section reports the average numerical rating given by attorneys for each of the six categories for which the candidate was evaluated.

The second section provides detailed results for each candidate included in the report. This section reports the total number of attorneys who responded for each candidate and a breakdown of the number of responses in each rating (5 to 1) for each category for each candidate.

In both sections, the Superior Court candidates are listed first and then the District Court candidates, in order by the number of his or her judicial district and in alphabetical order within the district for those districts with two or more candidates.

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Superior Court Candidate Categorical Averages

Candidate	Integrity & Impartiality	Legal Ability	Professionalism	Communication	Administrative Skills	Overall Performance
3A - Jeff Foster	4.46	4.36	4.49	4.42	4.20	4.38
8A - Imelda Pate	3.91	4.37	4.13	3.96	4.17	4.02
8A - Stuart L. Stroud	4.57	4.50	4.61	4.38	4.49	4.52
8A - Dal Wooten	4.26	4.23	4.25	4.22	4.23	4.20
8B - Will Bland	4.39	4.07	4.52	3.53	3.76	3.86
8B - Jerry Braswell	2.54	2.70	2.64	2.81	2.51	2.48
10F - Judge A. Graham Shirley	4.60	4.51	4.65	4.49	4.48	4.50
13A - Chris Livingston	1.48	1.61	1.39	1.43	1.24	1.28
17B - Judge Angela B. Puckett	3.14	3.61	3.33	3.54	3.50	3.38
21C - Jonathan Scott Dills	3.19	3.29	3.26	3.40	3.23	3.23
22B - Jeffrey J. Berg	3.58	3.66	3.80	3.67	3.54	3.60
22B - David S. Doherty	3.15	3.06	3.21	3.09	3.03	3.11
22B - Lori Hamilton	4.12	4.19	4.07	4.14	4.15	4.16
22B - Jon W. Welborn	3.57	3.11	3.43	3.30	3.30	3.27

District Court Candidate Categorical Averages

District and Candidate	Integrity & Impartiality	Legal Ability	Professionalism	Communication	Administrative Skills	Overall Performance
3A - Earl T. Brown*	4.28	4.04	4.38	4.21	4.00	4.22
3A - Daniel Hines Entzminger	4.32	3.97	4.34	4.05	4.06	4.12
3A - Wendy Hazelton	3.98	3.60	3.98	3.77	3.81	3.77
3A - Nancy S. Ray	4.68	4.63	4.64	4.18	4.44	4.44
3A - Jay Saunders	4.26	4.11	4.39	4.14	3.83	4.15
4 - Paul Castle	2.96	2.80	2.89	2.44	2.39	2.62
4 - Kelly Neal	4.04	3.95	4.11	3.93	3.91	4.04
4 - Anita R. Powers	3.72	3.56	3.70	3.51	3.44	3.58
4 - Michael C. Surlis	3.67	3.31	3.80	3.64	3.35	3.46
4 - Nathan Sweet	3.96	3.80	4.04	4.17	3.70	3.86
4 - Mario White	4.32	4.18	4.35	4.30	4.15	4.35
5 - Richard "Ray" Kern	3.75	3.48	3.67	3.55	3.61	3.55
7 - Beth Freshwater-Smith	4.25	4.39	4.28	4.26	4.33	4.30
7 - Sharon Sprinkle	3.84	3.96	3.90	3.94	3.73	3.89
7 - Andrew J. Whitley	3.91	3.56	4.14	3.78	3.96	3.82
7 - Lamont Wiggins	3.79	3.67	3.88	3.73	3.54	3.67
8 - Curtis Stackhouse	4.71	4.56	4.76	4.68	4.67	4.67
8 - Judge Annette W. Turik	4.63	4.38	4.66	4.51	4.53	4.44
9 - S. Quon Bridges	3.70	3.45	3.68	3.67	3.50	3.53
9 - Caroline S. Burnette	4.13	4.25	4.06	4.12	4.27	4.10
9 - A. Chance Wilkinson	3.97	3.80	3.87	3.69	3.70	3.87
9A - John Hoyte (J.) Stultz III	4.41	4.32	4.44	4.48	4.27	4.44
9B - Judge Adam Keith	4.44	4.08	4.41	4.13	4.13	4.29
10 - Bryant Paris III	4.39	4.23	4.41	4.19	4.30	4.27
10 - Judge Jefferson G. Griffin	4.08	3.77	3.99	3.80	3.97	3.92
10 - Marty E. Miller	3.90	3.62	3.88	3.76	3.57	3.68
10 - Walter Rand	3.46	3.29	3.33	3.35	3.32	3.35
11 - LeVonda G. Wood	2.86	2.48	2.90	2.83	2.76	2.54
11 - Frank Wood	4.55	4.30	4.50	4.50	4.41	4.45
12 - Sanya Eller	3.40	3.09	3.22	3.16	3.40	3.20
12 - Mike Hardin	3.28	3.68	3.32	3.56	3.54	3.43
12 - Clark Reaves	4.45	4.34	4.45	4.18	4.17	4.29
12 - Tiffany Marie Whitfield	4.09	3.79	4.00	3.93	3.87	3.92
13 - W. Richard Cox	4.02	3.63	4.08	3.92	3.64	3.80
13 - Judge Jason C. Disbrow	4.72	4.66	4.79	4.77	4.63	4.77
13 - C. Ashley Gore	4.26	3.79	4.29	4.21	3.97	4.08
14 - Shamiaka LaCher Rhinehart	4.39	4.21	4.28	4.31	4.26	4.33
15B - Samantha Cabe	4.35	4.40	4.51	4.30	4.25	4.36
15B - Sam Cooper	4.26	4.11	4.23	4.09	4.23	4.19
15B - Sherri Murrell	4.55	4.37	4.47	4.50	4.34	4.41
16A - Angela J. Carter	3.35	3.51	3.48	3.43	3.36	3.56
16B - Timothy J. Peterkin	3.95	3.86	3.84	3.83	3.96	3.78
18 - Ron Butler	4.29	3.89	4.25	3.99	3.75	4.00
18 - Lora Christine Cubbage	3.22	3.03	3.29	3.26	3.11	3.07
18 - Mark Cummings	2.87	2.94	2.98	3.18	2.93	2.82
18 - Tonia A. Cutchin	3.84	3.69	3.87	3.70	3.54	3.70
18 - Bill Davis	4.22	4.41	4.32	4.18	4.17	4.22
18 - Judge Jon Kreider	4.09	3.99	4.17	4.08	3.98	4.01
18 - Miranda Reynolds Reavis	3.50	3.09	3.33	3.46	3.15	3.27
18 - Judge David Sherrill	4.48	4.26	4.59	4.28	4.29	4.33
18 - John Stone	3.29	3.21	3.31	3.24	3.12	3.24
18 - Marc Tyrey	4.58	4.58	4.66	4.64	4.68	4.55
19B - Darren C. Allen	3.77	3.93	3.71	3.74	3.77	3.78
21 - Aaron J. Berlin	4.20	4.05	4.21	4.00	4.09	4.11
21 - Carrie F. Vickery	3.53	3.47	3.46	3.65	3.58	3.54
24 - Judge Hal G. Harrison	4.47	4.16	4.48	4.24	4.41	4.35
24 - Joshua J. (Josh) Teague	4.08	3.80	4.13	3.89	3.91	3.86

