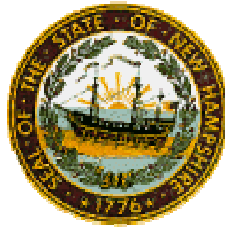


THE STATE OF NEW HAMPSHIRE SUPREME COURT



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July 8, 2009

His Excellency, Governor John Lynch
State House, Rooms 208-214
Concord, NH 03301

Sylvia B. Larsen, President
N.H. Senate
State House, Room 302
Concord, NH 03301

Terie Norelli, Speaker
N.H. House
State House, Room 312
Concord, NH 03301

Senator Deborah R. Reynolds, Chair
Senate Judiciary Committee
State House, Room 302
Concord, NH 03301

Hon. David E. Cote, Chair
House Judiciary Committee
LOB, Room 208
Concord, NH 03301

Re: Judicial Performance Evaluation Program

Dear Governor Lynch, President Larsen, Speaker Norelli, Senator Reynolds,
and Representative Cote:

This report of the revised judicial performance evaluation program covers judicial performance evaluations conducted during 2007 and 2008. Reports were timely done at each level of court in 2007; however, we neglected to send them to you. Thus, this report incorporates both years. For each court level below, you will see a section covering activity in 2007 and one for 2008.

The revised judicial performance evaluation program was instituted by New Hampshire Supreme Court rule for the entire judicial branch in March 2001. Judicial performance evaluation began in New Hampshire in the trial courts over twenty years ago, in 1987. During 2000 and early 2001, the then-existing judicial performance evaluation program was examined and revised. For the trial courts, uniform forms were developed for use by the public (Performance Evaluation Questionnaire), the judge being evaluated (Self-Evaluation Form), and the administrative judge conducting the evaluation (Evaluation Summary). The program was extended to include the supreme court and the administrative judges. For the supreme court, a different Performance Evaluation Questionnaire and Self-Evaluation Form were developed. A more detailed description of the enhanced judicial performance evaluation program is contained in our annual report, dated June 29, 2001.

Under the enhanced judicial performance evaluation program, each trial court judge is to be evaluated at least once every three years. We are now into our third three-year cycle under the revised judicial performance evaluation program. The activity in 2007 and 2008, covered by this report, represents the first two years of that three-year cycle.

In the supreme court, questionnaires are distributed every three years. 2008 was one of those years. As you will see in the 2008 supreme court section below and in the appendix to this letter, the supreme court distributed questionnaires electronically to representative samples of attorneys involved in appeals, law professors, and trial judges and masters, in addition to non-electronic distribution to self-represented litigants.

SUPREME COURT

2007

In 2007, 924 new cases were filed with the court and 629 cases were accepted for appellate review. During 2007, the court disposed of 1096 cases. It held 267 oral arguments, of which 168 were before the full court and 99 were before a 3JX panel. At the end of 2006, there were 575 pending cases.

The supreme court clerk's office performed a statistical analysis of the court's performance during 2007. It analyzed the court's performance in all cases disposed of during 2007 and calculated the average time to complete each stage of the appellate process. The court's performance was then compared to the judicial performance standards adopted in 2001 which establish time standards for performing various aspects of the appellate process, such as screening, briefing, and decision-making. In setting each time standard, the court decided upon the average length of time that one could reasonably expect the court to complete that stage of the appellate process. The time that it takes to complete a stage in any particular case may be, for many reasons,

greater or less than the standard. While the standards do not require that every case be processed within the time periods identified, the standards serve as goals for both the court and staff to process all cases as promptly and efficiently as possible.

As the chart shown below reflects, the court met all of the time standards.

CASES DISPOSED OF IN 2007.

<u>Stage</u>	<u>Time Standard</u>	<u>Average for All Cases</u>
Screening	90 days	50 days
Filing of appellant's brief	60 days after record filed	56 days
Filing of appellee's brief	50 days after appellant's brief	45 days
Oral argument	180 days after appellee's brief	134 days
Decision	180 days after oral argument or submission	Opinion 81 days Order 29 days
Ruling on motions for reconsideration/ rehearing	60 days	30 days

The average length of time from filing to closing for cases disposed of during 2007 was 248 days.

Supreme Court Rule 56(III) requires that questionnaires be distributed every three years to evaluate the performance of the supreme court justices. Because questionnaires were distributed in 2005, they were not distributed in 2007.

2008

In 2008, 948 new cases were filed with the court and 623 cases were accepted for appellate review. The court disposed of 983 cases during 2008. It held 224 oral arguments, of which 156 were before the full court and 68 were before a 3JX panel. At the end of 2008, there were 540 pending cases.

The supreme court clerk's office performed a statistical analysis of all cases disposed of during 2008 and calculated the average time that it took to complete each phase of the appellate process. The court's performance was compared to the judicial performance standards adopted in 2001, which establish time standards for different phases of the appellate process, such as screening, briefing, and decision making. In setting the time standards, the court decided upon the length of time, on average, that it should take to complete that phase, recognizing that the time required to complete a phase in a particular case could be more or less. The standards do not require that

every case be processed within the time periods identified, but they serve as goals for the court and staff to process all cases promptly and efficiently.

As the chart shown below reflects, the court met all of the time standards.

CASES DISPOSED OF IN 2008

<u>Phase</u>	<u>Time Standard</u>	<u>Average for All Cases</u>
Screening	90 days	36 days
Filing of appellant's brief	60 days after record filed	58 days
Filing of appellee's brief	50 days after appellant's brief	46 days
Oral argument	180 days after appellee's brief	96 days
Decision	180 days after oral argument or submission	Opinion 54 days Order 6 days
Ruling on motions for reconsideration/ rehearing	60 days	24 days

The average length of time from filing to closing for cases disposed of during 2008 was 198 days.

Supreme Court Rule 56(III) requires that questionnaires be distributed every three years to evaluate the performance of the supreme court justices. 2008 is one of the years in the three-year cycle. Questionnaires were distributed electronically to representative samples of attorneys involved in appeals, law professors, and trial judges and masters. Because the court did not have email addresses for self-represented parties, questionnaires were mailed to a sample of self-represented parties involved in appeals at the court. A total of 746 questionnaires were distributed, and 316 responses were received. The number of questionnaires distributed to and returned by to each group is shown below:

	<u># Distributed</u>	<u># Responses</u>	<u>% Responses</u>
Attorneys	475	248	52%
Law Professors	30	6	20%
Judges, Masters	95	34	36%
Self-represented	146	28	19%

The questions in the questionnaires related to the performance of the supreme court staff and the justices. Respondents were asked to evaluate performance on a scale ranging from excellent to deficient. The responses to the questions suggest that

self-represented parties found the appellate process more difficult and were generally less satisfied than attorneys. The following is a summary of the results of several questions:

In response to the statement: “The court staff was friendly, courteous and patient,” a majority of attorneys and self-represented parties rated the court excellent or good.

In response to the statement: “The court staff was willing, available, and able to answer questions,” a majority of attorneys and self-represented parties rated the court excellent or good.

In response to the statement related to the performance of the justices: “Being fair and impartial to each side in a case,” a majority of attorneys and judges rated the justices excellent or good, but a majority of self-represented parties rated the court below average or deficient.

In response to the statement related to the performance of the justices: “Writing opinions that are clear,” a majority of attorneys, judges and masters, law professors, and self-represented parties rated the justices excellent or good.

In response to the statement related to the performance of the justices: “Issuing opinions in a timely manner,” a majority of attorneys and judges and masters rated the justices excellent or good.

In response to the statement related to the performance of the justices: “Treating parties and attorneys equally regardless of race, sex or economic status,” a majority of attorneys and self-represented parties rated the justices excellent or good.

A summary of the results of all of the questionnaires can be found in the attached appendix.

TRIAL COURT EVALUATION PROCEDURE

The evaluations are conducted in accordance with RSA 490:32 (Supp. 2008) and Supreme Court Rule 56. Each judge or master being evaluated is furnished a Self-Evaluation Form which is returned to the chief justice or administrative judge for comparison with the results of the evaluation by others. Each clerk of court where the judge or master being evaluated customarily presides randomly distributes Performance Evaluation Questionnaires for each judge or master to lawyers, litigants, staff, court officers, witnesses, and jurors and provides additional questionnaires to other members of the public who made inquiry in the clerk’s office. In the probate court, the register provides names and addresses of practitioners and agencies to the Probate Court Administrative Office and mailings are generated directly from that office. The names of the judges and masters being evaluated are also publicly posted in the

clerk's or register's offices and published in the New Hampshire Bar News, as is a notice relative to the availability of the questionnaires. All the recipients of questionnaires are furnished a postage pre-paid envelope pre-addressed and marked "Confidential."

Upon the expiration of the deadline imposed for the return of the completed questionnaires, the evaluations are forwarded to the Administrative Office of the Courts for scanning and compilation. When the results are furnished to the chief justice or administrative judge, he schedules an individual appointment with each judge or master at which the results are discussed and a redacted version of the comments (to preserve the respondents' confidentiality) is shared with the judge or master. The interview includes non-questionnaire information relating to the justice or master received by the chief justice or administrative judge, including letters of complaint and unsolicited letters of commendation, as well as information received from judicial conduct authorities regarding grievances or complaints filed against the judge or master.

The Performance Evaluation Questionnaire, the Self-Evaluation Form, and the Evaluation Summary for the trial courts identify seven areas considered in the evaluations:

1. Performance (including ability to identify and analyze issues, judgment, and application of the law) – 11 questions
2. Temperament and Demeanor – 8 questions
3. Judicial Management Skills – 7 questions
4. Legal Knowledge – 3 questions
5. Attentiveness – 2 questions
6. Bias and Objectivity – 3 questions
7. Degree of Preparedness – 2 questions

The scale utilized is as follows:

- 5 = Excellent
- 4 = Very Good
- 3 = Satisfactory
- 2 = Fair
- 1 = Unsatisfactory

SUPERIOR COURT

2007

During calendar year 2007, performance evaluations of six (6) superior court justices and two (2) marital masters were conducted by Robert J. Lynn, Chief Justice of the New Hampshire Superior Court. For the justices and masters evaluated in 2007, a total of 358 questionnaires were returned.

The overall mean for the eight (8) judicial officers evaluated was 4.2, with three (3) scoring equal to or above the mean, and five (5) scoring below. A mean overall score of 4.2 puts these justices and masters, like their counterparts evaluated in previous years, at the “very good” level. By category, the mean scores for all eight judicial officers were as follows:

1. Performance	4.1
2. Temperament & Demeanor	4.0
3. Judicial Management Skills	4.1
4. Legal Knowledge	4.4
5. Attentiveness	4.2
6. Bias & Objectivity	4.1
7. Degree of Preparedness	4.2

Chief Justice Lynn will be evaluating six (6) justices and two (2) marital masters in 2008.

2008

During calendar year 2008, performance evaluations of six (6) superior court justices and two (2) marital masters were conducted by Robert J. Lynn, Chief Justice of the New Hampshire Superior Court. For the justices and masters evaluated in 2008, a total of 327 questionnaires were returned.

The overall mean for the eight (8) judicial officers evaluated was 3.9 with five (5) scoring equal to or above the mean, and three (3) scoring below. A mean overall score of 3.9 puts these justices and masters, like their counterparts evaluated in previous years, at the “very good” level. By category, the mean scores for all eight judicial officers were as follows:

1. Performance	3.9
2. Temperament & Demeanor	3.7
3. Judicial Management Skills	3.6
4. Legal Knowledge	4.0
5. Attentiveness	4.0
6. Bias & Objectivity	4.0
7. Degree of Preparedness	3.8

One justice received an overall evaluation of 2.9, which is slightly below the “satisfactory” level. Chief Justice Lynn had a frank discussion with this justice about the evaluation results. The justice disputed the results of the evaluation and indicated a belief that at least one group of lawyers with a particular interest may be displeased with the justice's substantive rulings in certain areas and that this displeasure is what is reflected in the scores received. Based upon his further investigation of the matter, Chief Justice Lynn believes there is some merit in the justice’s claim, particularly insofar as the justice received below satisfactory scores in the areas of performance and legal knowledge. Based on Chief Justice Lynn’s own knowledge of this justice’s work and his discussion with other judges and lawyers, the Chief Justice believes that this justice possesses more than satisfactory legal knowledge and that the justice's overall performance is satisfactory. More troubling to the Chief Justice, however, are the scores this justice received in the areas of temperament and management. The justice acknowledged that there is room for improvement in these areas and committed to accomplishing the same. Chief Justice Lynn has conducted follow up investigation, which indicates that this justice has shown signs of recent improvement. Chief Justice Lynn will continue to monitor the situation closely.

One marital master, while receiving an overall score of 3.0 (“satisfactory”), had scores in several individual assessment categories that were in the “fair” range. Chief Justice Lynn also had a frank discussion with this master, particularly with regard to performance in the temperament category. The master acknowledged shortcomings in this area and also in the area of management and committed to making improvements. Chief Justice Lynn has conducted a follow up review of this master and has received indications that the master's performance appears to have improved over the last six months. Again, Chief Justice Lynn will continue to monitor this master closely.

In considering the evaluation results for 2008, it is important to take into account the fact that for a significant part of the year the superior court had three judicial vacancies, meaning that the court operated with only nineteen judges rather than its authorized strength of twenty two. Beyond this, a judicial workload study conducted by the National Center for State Courts indicates that the superior court’s caseload in 2008, without consideration of marital cases, is such that it should actually have twenty-five judges in order to properly perform the work assigned to it. Chief Justice Lynn believes that the shortage of judges reflected in these numbers accounts, at least in part, for the fact that the overall mean score for the judges and masters evaluated in 2008 (3.9) was below the mean for the judges and master evaluated in 2007 (4.2) and in earlier years.

Chief Justice Lynn will be evaluating four (4) justices in 2009.

DISTRICT COURT

2007

During 2007, the Administrative Judge of the District Court, Edwin W. Kelly, or his designee, completed the performance evaluations of twenty-one judges. In 2007, there were fifty-nine judges in the district court. One judge that should have been evaluated in 2007 was on military leave; he will now be evaluated in 2009. There were no judges re-evaluated in 2007. A total of 1,395 Performance Evaluation Questionnaires were distributed for the twenty-one judges, for an average of sixty-six per judge. The return of 601 questionnaires made for a response rate of 43%.

The mean overall score for the judges evaluated in 2007 was 4.2, a rating of "very good." By category, the mean scores for all twenty-one judges were as follows:

1. Performance	4.0
2. Temperament & Demeanor	4.2
3. Judicial Management Skills	4.1
4. Legal Knowledge	4.1
5. Attentiveness	4.3
6. Bias & Objectivity	4.3
7. Degree of Preparedness	4.1

Administrative Judge Kelly will be evaluating twenty-four judges for 2008, which will include three newly-hired judges and one judge being re-evaluated.

2008

During 2008, the Administrative Judge of the District Court, Edwin W. Kelly or his designee, completed the performance evaluations of twenty-five judges. Currently, there are fifty-four judges in the district court. One judge was re-evaluated in 2008. A total of 2,136 Performance Evaluation Questionnaires were distributed for the twenty-five judges, for an average of eighty-five per judge. The return of 828 made for a response rate of 39%.

The mean overall score for the judges evaluated in 2008 was 4.1, a rating of "very good." By category, the mean scores for all sixteen judges were as follows:

1. Performance	4.1
2. Temperament & Demeanor	4.1
3. Judicial Management Skills	4.0
4. Legal Knowledge	4.2
5. Attentiveness	4.3
6. Bias & Objectivity	4.2
7. Degree of Preparedness	4.0

Administrative Judge Kelly will be evaluating ten judges for 2009, which will include one newly-hired judge. One of the judges being evaluated in 2009 would have been evaluated in 2007; however; the evaluation was delayed until now since the judge was on military leave for the entire year.

PROBATE COURT

2007

During 2007, the Administrative Judge of the Probate Courts, David King, completed one evaluation. Chief Justice Broderick completed Judge King's evaluation. Therefore, there were two probate court judges evaluated in 2007.

The overall score for the two judges evaluated was 4.7 and 4.8 with 5 being the best score. The actual overall scores were by category. The mean scores for each judge are as follows:

1.	Performance	4.6, 4.8
2.	Temperament and Demeanor	4.8, 4.9
3.	Judicial Management Skills	4.5, 4.6
4.	Legal Knowledge	4.6, 4.6
5.	Attentiveness	4.9, 5.0
6.	Bias & Objectivity	4.9, 4.9
7.	Degree of preparedness	4.5, 4.6

2008

During 2008, the Administrative Judge of the Probate Courts, David King, completed three evaluations.

The overall score for the three judges evaluated was 4.4, 4.6 and 4.5 with 5 being the best score. The actual overall scores were by category. The mean scores for each judge is as follows:

1.	Performance	4.4, 4.5, 4.5
2.	Temperament and Demeanor	4.4, 4.7, 4.5
3.	Judicial Management Skills	4.2, 4.2, 4.4
4.	Legal Knowledge	4.3, 4.5, 4.7
5.	Attentiveness	4.6, 4.8, 4.6
6.	Bias & Objectivity	4.6, 4.8, 4.6
7.	Degree of preparedness	4.3, 4.3, 4.1

FAMILY DIVISION

2007

During 2007, the Administrative Judge of the Family Division, Edwin W. Kelly, or his designee, completed the performance evaluations of two marital masters. In 2007, there were nine masters in the family division. A marital master that was scheduled to be evaluated in 2007 was appointed as a superior court judge. A master evaluated early in 2007 was re-evaluated later in the year. A total of 220 Performance Evaluation Questionnaires were distributed for the two masters, for an average of 110 per marital master. The return of seventy-seven made for a response rate of 35%.

The mean overall score for the masters evaluated in 2007 was 4.0, a rating of "very good." By category, the mean scores for the two masters were as follows:

1. Performance	3.9
2. Temperament & Demeanor	4.2
3. Judicial Management Skills	3.9
4. Legal Knowledge	3.9
5. Attentiveness	4.2
6. Bias & Objectivity	4.1
7. Degree of Preparedness	3.7

Administrative Judge Kelly will be evaluating two masters in 2008.

2008

During year 2008, the Administrative Judge of the Family Division, Edwin W. Kelly, or his designee, completed the performance evaluations of two marital masters. Currently, there are nine masters in the family division. There were no marital masters re-evaluated in 2008. A total of ninety-three Performance Evaluation Questionnaires were distributed for two marital masters, for an average of forty-seven per marital master. The return of forty made for a response rate of 43%.

The mean overall score for the masters evaluated in 2008 was 3.9%, a rating of "very good." By category, the mean scores for the two marital masters are as follows:

1. Performance	3.8
2. Temperament & Demeanor	4.0
3. Judicial Management Skills	3.7
4. Legal Knowledge	3.8
5. Attentiveness	4.0
6. Bias & Objectivity	4.1
7. Degree of Preparedness	3.6

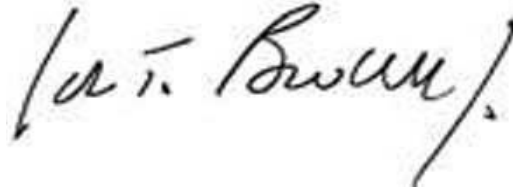
Governor Lynch, President Larsen, Speaker Norelli,
Senator Reynolds, and Representative Cote
July 8, 2009
Page 12

Administrative Judge Kelly will be evaluating two marital masters for 2009, which includes one newly-hired master.

CONCLUSION

In these difficult economic times, when all parts of government are struggling to maintain a high level of service to the public in the face of budgetary pressures, it is heartening to know that New Hampshire's judiciary is generally rated highly by the people we serve. While the budgetary pressures we all face appear to be with us for at least the near future, I can assure you that those working in New Hampshire's courts, judges, masters, and staff, will continue to do their utmost to serve New Hampshire's citizens. I know you join me in thanking them for their efforts.

Respectfully submitted,
NEW HAMPSHIRE SUPREME COURT

A handwritten signature in black ink, appearing to read "John T. Broderick, Jr.", written in a cursive style.

By: John T. Broderick, Jr.
Chief Justice

cc: Supreme Court Justices
Administrative Justices
Donald D. Goodnow, Esq.

**NEW HAMPSHIRE SUPREME COURT
 2008 JUDICIAL PERFORMANCE EVALUATION
 QUESTIONNAIRE RESULTS**

Questions related to performance of court and staff

The court staff was friendly, courteous and patient.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	168	67	4	0	0	5	244
Self represented	10	6	4	2	2	4	28

The court staff was willing, available, and able to answer questions.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	162	71	5	0	0	6	244
Self represented	9	9	3	1	3	3	28

Notice of scheduling of oral argument was sufficient.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	126	87	14	2	1	14	244
Self represented	5	4	2	2	3	12	28

The notice of appeal form was easy to use.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	77	108	27	0	1	31	244
Self represented	3	6	6	1	4	8	28

The appellate process including briefing, motions, obtaining the transcript and transferring exhibits was easy to use.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	65	120	36	5	0	15	241
Self represented	5	6	3	5	6	3	28

The court's rules are clear and easy to follow.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	50	115	65	6	1	4	241
Self represented	6	7	6	5	2	2	28

The court performs its administrative function well. (Or the court's performance of its administrative function.)

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	111	103	17	0	0	11	242
Judges	14	13	5	1	0	0	33

The court performs its rule making function well. (Or the court's performance of its rule making function.)

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	68	93	41	7	0	34	243
Judges	10	15	7	0	0	1	33

The court's performance of its judicial duties.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Judges	16	14	2	0	0	1	33

Questions related to performance of individual justices

The judicial performance evaluation questionnaires distributed to attorneys and trial judges and masters included questions relating to the performance of the individual justices. Because both RSA 490:32 and Rule 56 make the results for individual justices confidential, the summary of questionnaire results aggregates the responses for the justices for each question. The questionnaires distributed to self-represented parties included the same questions about the performance of the justices, but did not list the justices individually.

Being fair and impartial to each side in a case.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	707	244	53	7	6	77	1094
Judges	97	27	6	0	0	25	155
Self represented	6	1	3	7	7	4	28

Writing opinions that are clear.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	539	349	57	25	1	103	1074
Judges	85	65	0	0	0	5	155
Professors	12	10	1	0	0	3	26
Self represented	9	8	4	5	2	0	28

Writing opinions that adequately explain the basis of the court's decision.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	536	352	59	19	8	85	1059
Judges	79	66	4	0	0	5	154
Professors	14	9	0	0	0	2	25
Self represented	8	6	4	7	3	0	28

Writing opinions that clearly set forth rules of law to be used in future cases.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	438	352	120	32	8	105	1055
Judges	84	45	16	0	0	5	150
Professors	17	5	0	0	0	3	25

Writing opinions that clearly address the merits of the legal issues advanced by the parties.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	453	343	115	22	14	96	1043
Judges	76	50	10	0	0	9	145
Professors	12	11	0	0	0	2	25

Issuing opinions in a timely manner.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	372	401	130	6	5	119	1033
Judges	58	55	5	0	0	30	148

Making decisions without regard to possible criticism.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	504	256	84	15	9	190	1058
Judges	78	45	6	1	0	20	150
Professors	15	0	5	0	0	5	25

Making reasoned decisions based upon the law and facts.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	440	378	109	29	9	92	1057
Judges	90	47	5	2	0	5	149
Professors	12	11	0	0	0	2	25

Treating parties and attorneys with patience, respect and courtesy.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	781	182	42	3	1	36	1045
Self represented	6	5	2	2	3	10	28

Treating parties and attorneys equally regardless of race, sex or economic status.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	799	113	17	0	0	132	1061
Self represented	6	5	2	1	4	10	28

Being prepared and attentive at oral argument.

	Excellent	Good	Average	Below Average	Deficient	N/A or No grade	Total
Attorneys	764	185	48	9	4	59	1069
Self represented	2	1	2	2	1	20	28