

**ST. JOSEPH COUNTY BAR ASSOCIATION  
SURVEY EVALUATING SUPERIOR COURT JUDGES SERVING ST. JOSEPH COUNTY**

**RESULTS OF THE 2022 SURVEY**

**Background**

In 2007, the St. Joseph County Bar Association Board of Governors (“SJCDA”) voted to implement a formal program for its members to evaluate judicial performance. Judicial evaluation programs were recommended by the American Bar Association in its “Guidelines for the Evaluation of Judicial Performance” in 2005. The SJCBA created its evaluation process to accomplish two goals: (1) supply reliable and unbiased information to the public about judicial performance needed to make sound judgments regarding the continuation of judges in office; and (2) give the judges feedback to improve their own performance and that of the courts on which they serve. The SJCBA completed and published its first survey in 2008.

Judges in St. Joseph County are installed in office two ways. The judges of the St. Joseph Circuit Court and the St. Joseph Probate Court participate in contested elections and are elected by popular vote. The judges of the St. Joseph Superior Court are appointed by the Governor of Indiana and participate in retention elections. All applicants for an opening on the Superior Court are interviewed by a seven member Judicial Nominating Committee as provided by the Indiana Code. The Nominating Committee nominates five of the applicants for consideration by the Governor of Indiana. The Governor considers the recommendations and appoints the judge. Each Superior Court judge stands for a “yes” or “no” retention election by the public two years after the initial appointment, then every six years.

The SJCBA Board of Governors decided to evaluate the Superior Court judges, but not the judges who may be subject to contested elections. A contested election provides opportunities for a judge or the judge’s opponent to discuss judicial performance. The same opportunities might not exist for a judge subject to a retention vote. An evaluation by the Bar of a judge’s judicial performance, when it is not possible to evaluate an opponent running for election against the judge under the same criteria, would not further the two goals of the SJCBA evaluation program.

**Methodology**

The SJCBA sent a survey by e-mail on August 1, 2022, to its members. The SJCBA also informed its members of the survey by announcements in its monthly newsletter, and via a postcard mailer sent out to each attorney’s address on record with the SJCBA. Members were informed that the survey has to be returned by August 17, 2022.

A separate survey was sent for each judge, except Hon. Cristal Brisco, Hon. Stephanie Steele, Hon. Mark Telloyan, and Hon. Jamie Woods, all of whom have been appointed since May 2021. The judges evaluated for the 2022 survey are:

Hon. Elizabeth Hurley  
Hon. Jenny Pitts Manier

Hon. John Marnocha  
Hon. Jeffrey Sanford

### **Survey**

The survey instrument covered four categories: Legal Ability; Integrity and Impartiality; Professionalism and Temperament; and Administrative Capability. Each category listed five specific criteria. Respondents were asked to evaluate the judge's performance in each criteria as "exceptional," "above average," "average/acceptable," "below average," "unacceptable," or "cannot rate." Each rating, except "cannot rate," carried a numerical score to calculate an average: exceptional (5); above average (4); average/acceptable (3); below average (2); and unacceptable (1). Respondents were advised to rate only those categories that their personal experience with the specific judge qualified them to have an opinion.

### **Response Rate**

The practices of the lawyers in the SJCBA are diverse, so the number of lawyers who actually appear in court is much smaller than the number of lawyers in the SJCBA. Consequently, only a small percentage of the lawyers who received the survey could be expected to respond. Further, the St. Joseph County Superior Court judges are assigned to either a civil docket or a criminal docket. Many lawyers who represent clients in civil cases do not often represent clients in criminal cases, and many lawyers appearing in criminal court, including prosecutors and public defenders, do not often represent clients in civil cases. Consequently, many attorneys with the personal experience needed to respond to the survey may have been qualified to evaluate only some of the judges listed, or only some of the criteria.

The total number of surveys returned for each judge follow:

Hon. Elizabeth Hurley	79
Hon. Jenny Pitts Manier	96
Hon. John Marnocha	67
Hon. Jeffrey Sanford	74

### **Results**

The responses from the individual surveys were collected and summary results were compiled. Each table contains the number of surveys returned for that judge. It identifies the number of SJCBA members that chose each rating category for each criteria, and the percentage of responses for each rating for each criteria (including "cannot rate"). It also includes an "average score." The average for each criteria was calculated by multiplying the number of responses for the rating by its numerical value, adding the products for those values and dividing the sum by the number of responses (not including the "cannot rate" responses).

The tables with survey results follow in alphabetical order. The results can also be viewed on the SJCBA website at [www.stjoebar.wordpress.com](http://www.stjoebar.wordpress.com). Click the “For Everyone” tab then access the “Judicial Survey” folder for the current and past results.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nell C. Collins", with a long horizontal flourish extending to the right.

Nell C. Collins

Chair, St. Joseph County Bar Association Judicial Evaluation Committee