COLORADO
Office of Judicial Performance Evaluation

The Honorable Judge Anita M. Schutte
2024 Judicial Performance Survey Report
District Court

Conducted by:

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Summary of Results

For Judge Schutte, 37 individuals completed surveys with at least a single rating question answered. This report reflects these 37 responses.

Respondent Type	Invitation Sent	Number of Responses
Attorney email invite	574	14
Attorney Survey Website	N/A	0
Court Attorney (self-select)	58	0
Total Attorneys	-	14
Non-attorney email Invite	1575	21
Court Staff Email Invite (Self-select)	2497	2
Citizen Feedback	-	0
Juror Survey	-	0
Total Non-Attorneys	-	23
Total	N/A	37

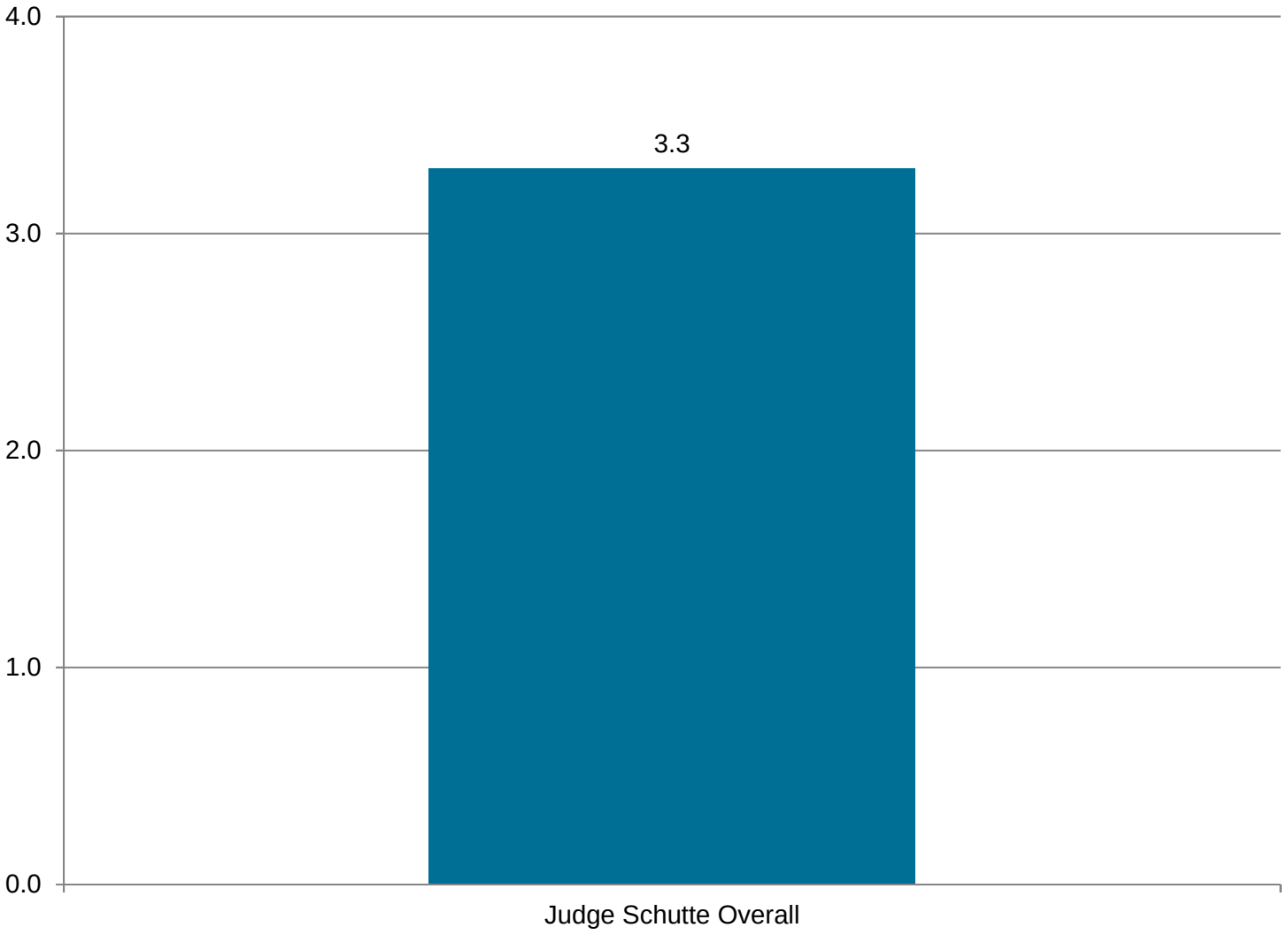
Respondents were asked to rate the judges on these aspects of judicial performance using the categories of Never or Almost Never, Once in a While, Some of the Time, Frequently, and Every or Almost Every Time.

These categories were converted into a numeric scale from 0 to 4: Never or Almost Never – 0; Once in a While – 1; Some of the Time – 2; Frequently – 3; Every or Almost Every Time – 4.

For the following questions, the scales were reversed because these are behaviors judges should not demonstrate: Never or Almost Never – 4; Once in a While – 3; Some of the Time – 2; Frequently – 1; Every or Almost Every Time – 0.

Fails to provide a proper legal basis for a decision
When issuing a ruling, the judge fails to provide an explanation for the decision
Overreacts to an incident(s) in the courtroom
Addresses individuals (e.g. attorneys, court staff, litigants, public witnesses) disrespectfully in the courtroom.
Appears to decide the outcome of the case before all evidence
Unnecessarily restricts a party’s presentation

Overall Score



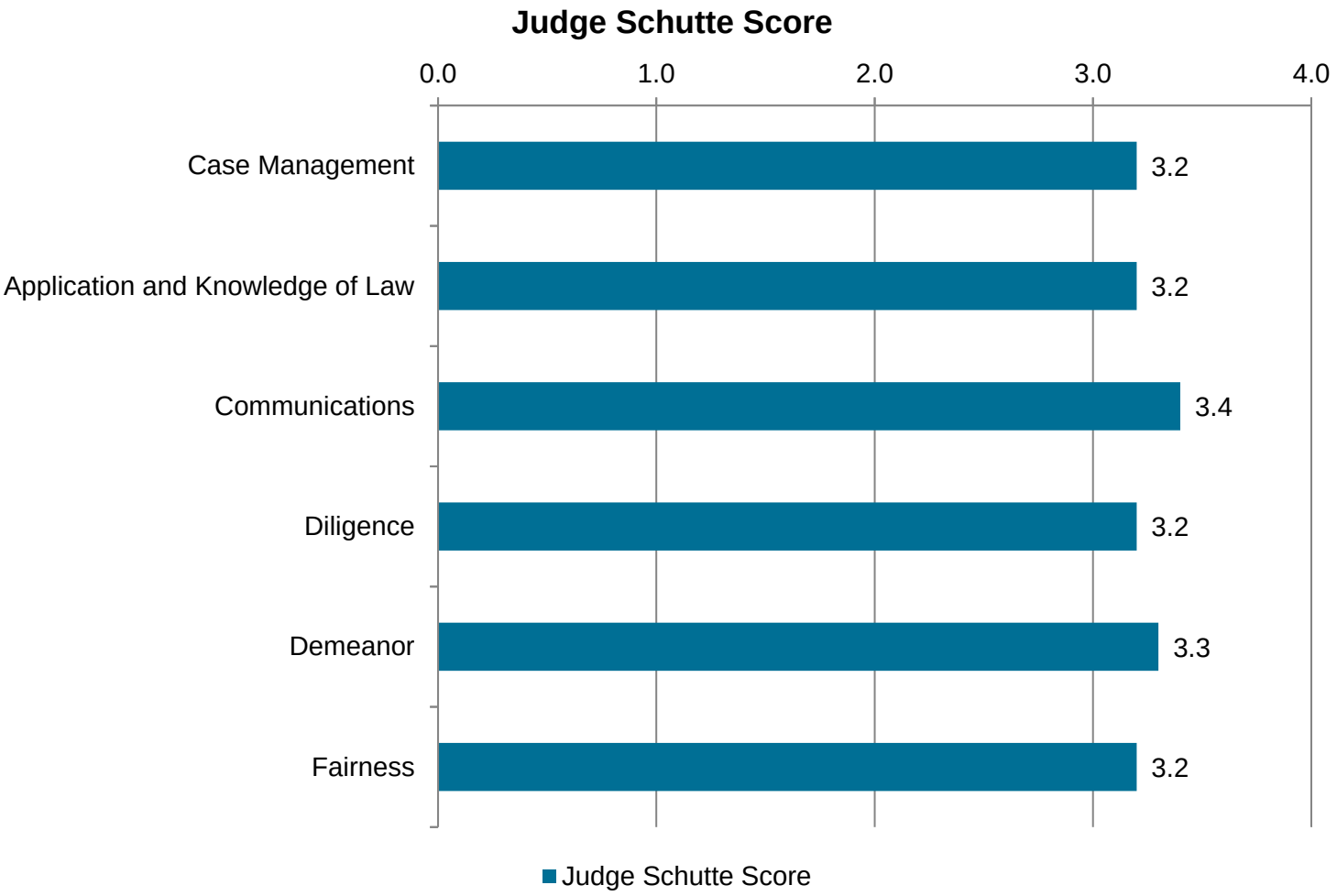
	Judge Schutte Overall	Number of Responses
Overall Grade	**3.3**	**37**

Performance Scores

	Percentage		Number of Responses	
	Attorneys	Non-Attorneys	Attorneys	Non-Attorneys
Yes, meets performance standards	**92%**	**73%**	**12**	**16**
No, does not meet performance standards	**8%**	**18%**	**1**	**4**
No opinion	**0%**	**9%**	**0**	**2**

Note: All percentages in this report are rounded to the nearest percentage point.

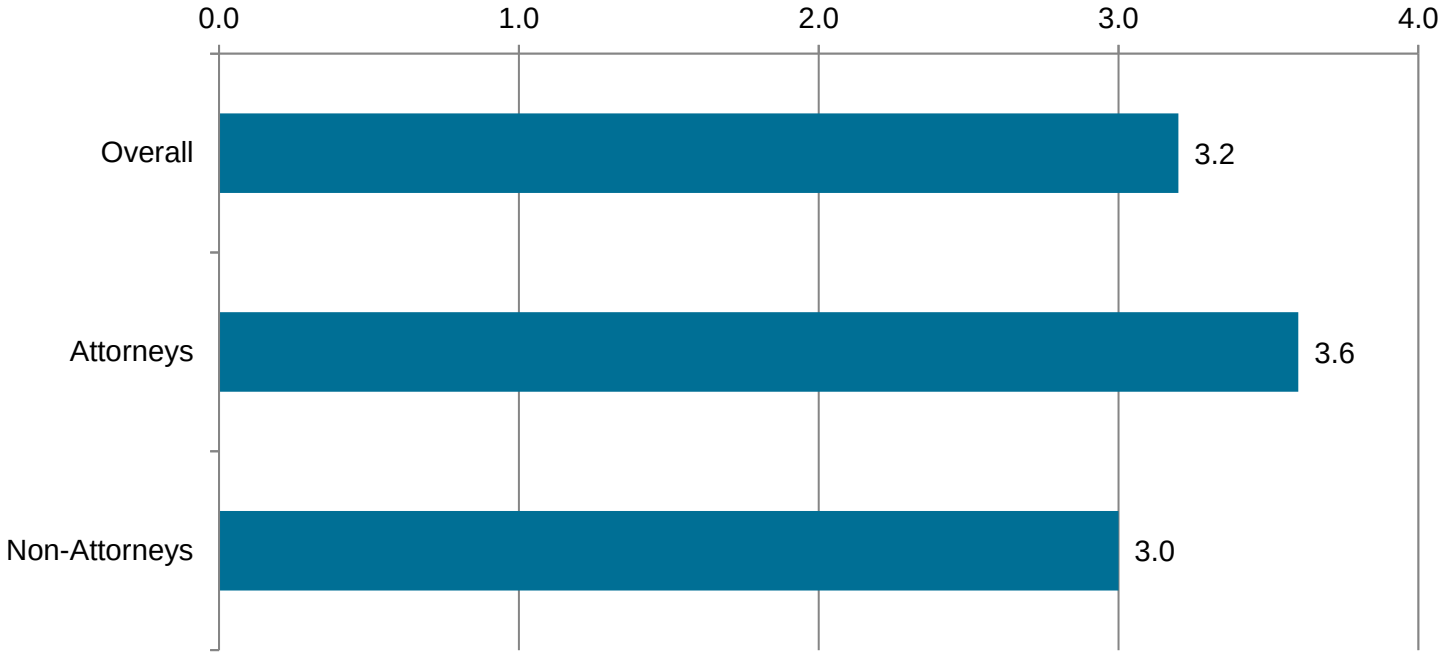
Individual Category Scores



	Judge Schutte Score	Number of Responses
Case Management	3.2	37
Application and Knowledge of Law	3.2	37
Communications	3.4	35
Diligence	3.2	35
Demeanor	3.3	34
Fairness	3.2	34

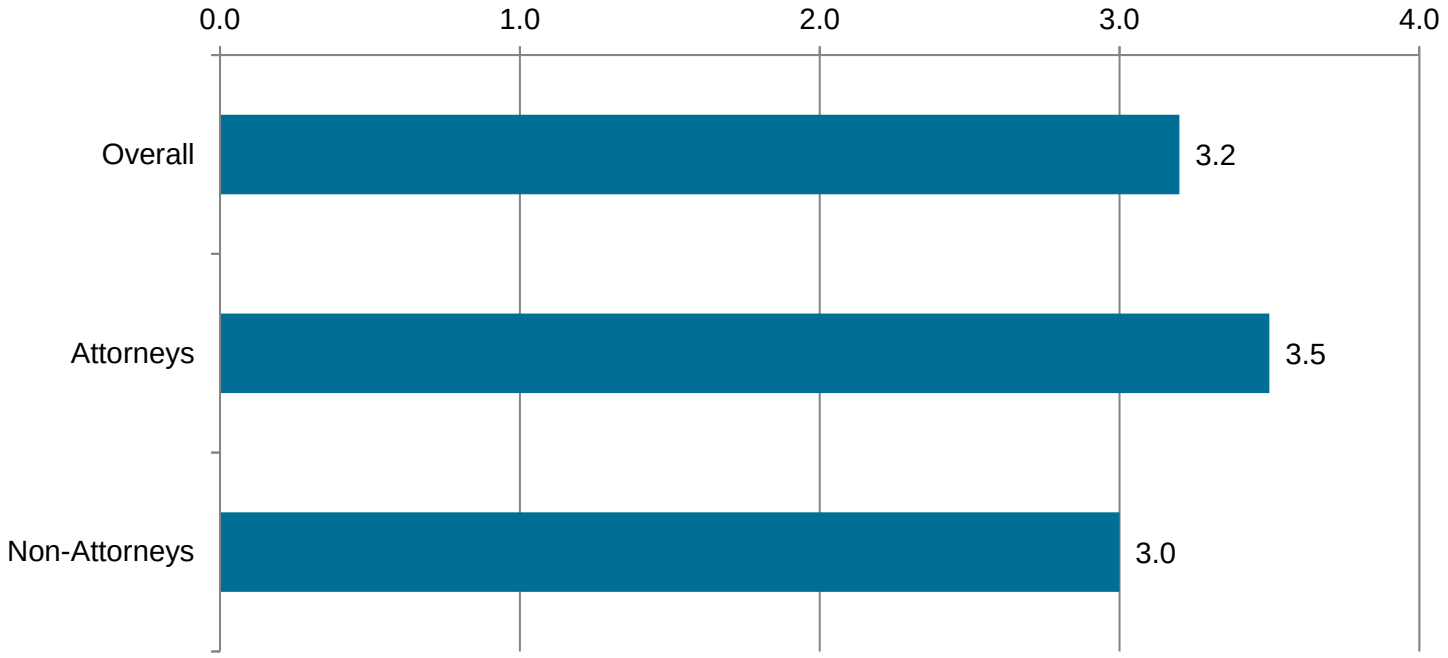
Detailed Report

Case Management



	Overall	Attorneys	Non-Attorneys	Number of Responses
Promptly issues a decision on the case after trial.	3.1	3.2	3.1	35
Maintains appropriate control over proceedings.	3.5	3.7	3.4	34
Promptly rules on pre-trial motions.	3.1	3.8	2.7	30
Sets reasonable schedules for cases.	3.2	3.5	3.0	37
Provides an alternative to in-person hearings when appropriate.	3.3	3.8	3.1	32

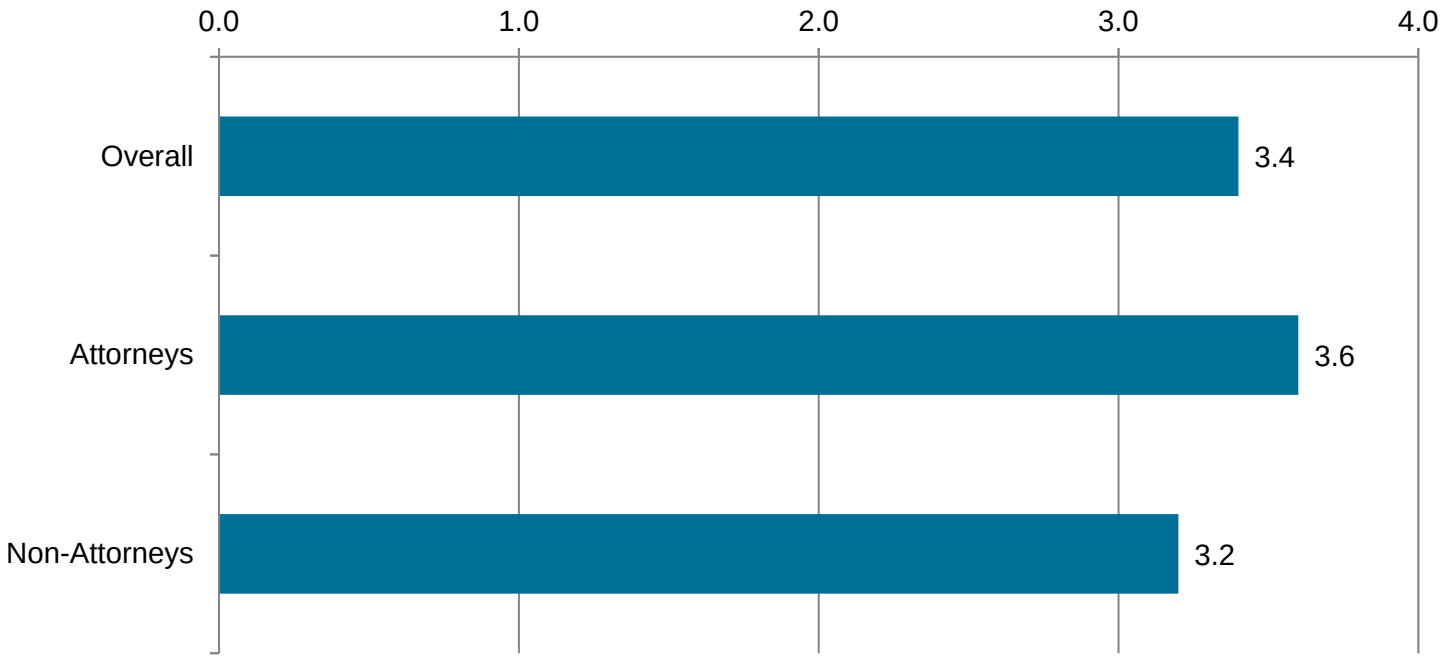
Application and Knowledge of Law



	Overall	Attorneys	Non-Attorneys	Number of Responses
Is able to identify and analyze relevant facts.	3.2	3.4	3.1	37
Bases decisions on evidence and arguments.	3.5	3.5	N/A	13
Issues consistent decisions when the circumstances are similar.	3.8	3.8	N/A	11
Rulings cite the applicable substantive law.	3.6	3.6	N/A	14
Consistently applies laws and rules.	3.5	3.5	N/A	13
Fails to provide a proper legal basis for a decision. *	3.1	3.1	N/A	14
Gives reasons for rulings.	3.0	N/A	3.0	21
Willing to make decisions without regard to possible outside pressure.	2.9	N/A	2.9	20

*** Since this represents negative behavior, the score was reversed.**

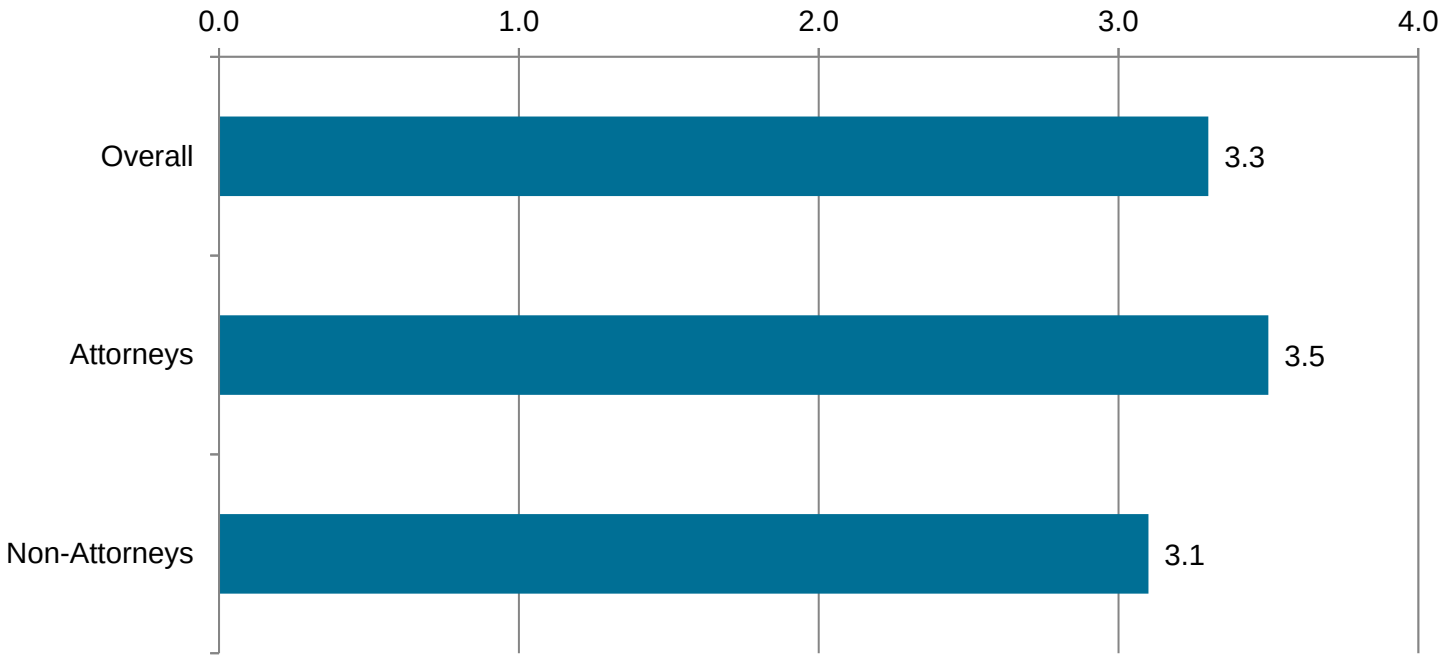
Communications



	Overall	Attorneys	Non-Attorneys	Number of Responses
Makes sure all participants understand the proceedings.	3.4	3.8	3.1	34
When issuing a ruling, the judge fails to provide an explanation for the decision. *	3.0	3.0	N/A	13
Provides written communications that are clear, thorough, and well- reasoned.	3.6	3.6	N/A	13
Listens carefully during court proceedings.	3.8	3.8	N/A	14
Uses language that everyone can understand.	3.1	N/A	3.1	19
Speaks clearly so everyone in the courtroom can understand what's being said.	3.7	N/A	3.7	19
Gives reasons for a ruling when needed.	2.9	N/A	2.9	21

*** Since this represents negative behavior, the score was reversed.**

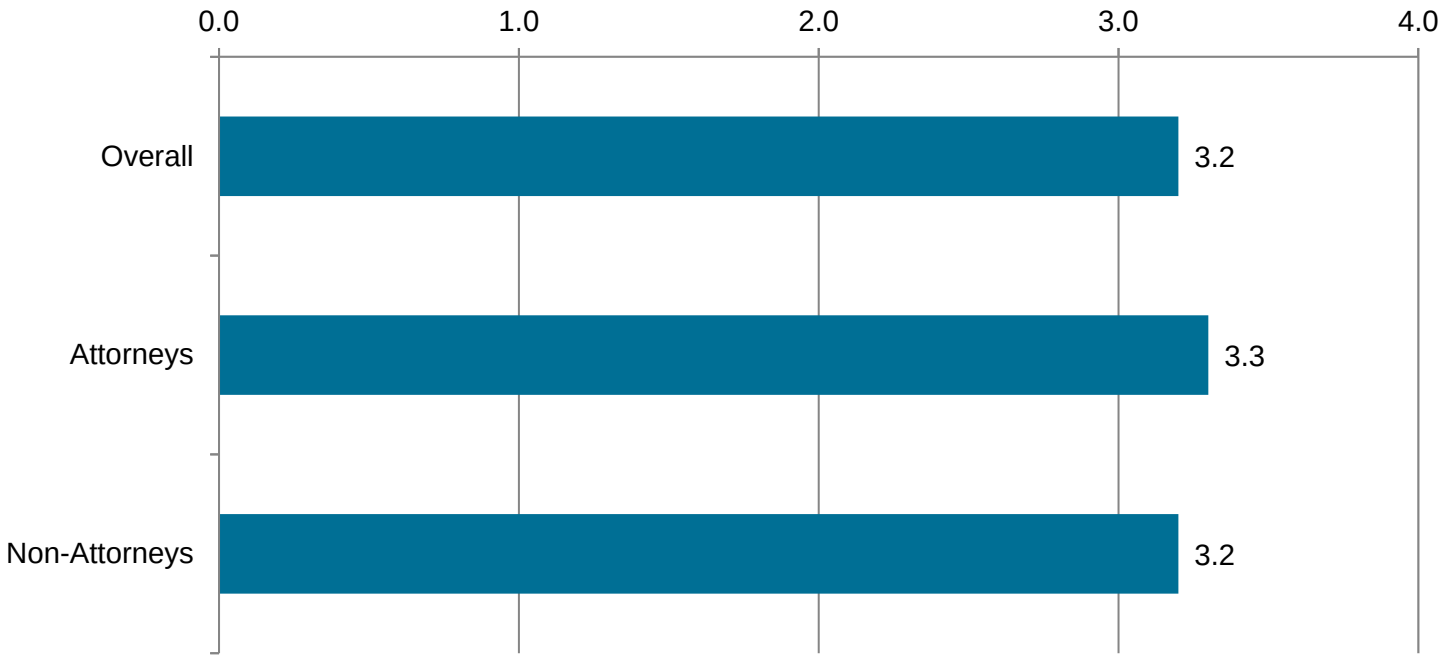
Demeanor



	Overall	Attorneys	Non-Attorneys	Number of Responses
Gives proceedings a sense of dignity.	3.3	3.8	2.9	33
Treats participants with respect.	3.5	3.8	3.2	33
Overreacts to an incident(s) in the courtroom. *	3.7	3.7	N/A	12
Addresses individuals (e.g. attorneys, court staff, litigants, public witnesses) disrespectfully in the courtroom. *	2.6	2.6	N/A	14
Maintains a professional demeanor in the courtroom.	3.9	3.9	N/A	14
Has a sense of compassion and human understanding for those who appear in court.	3.2	N/A	3.2	18

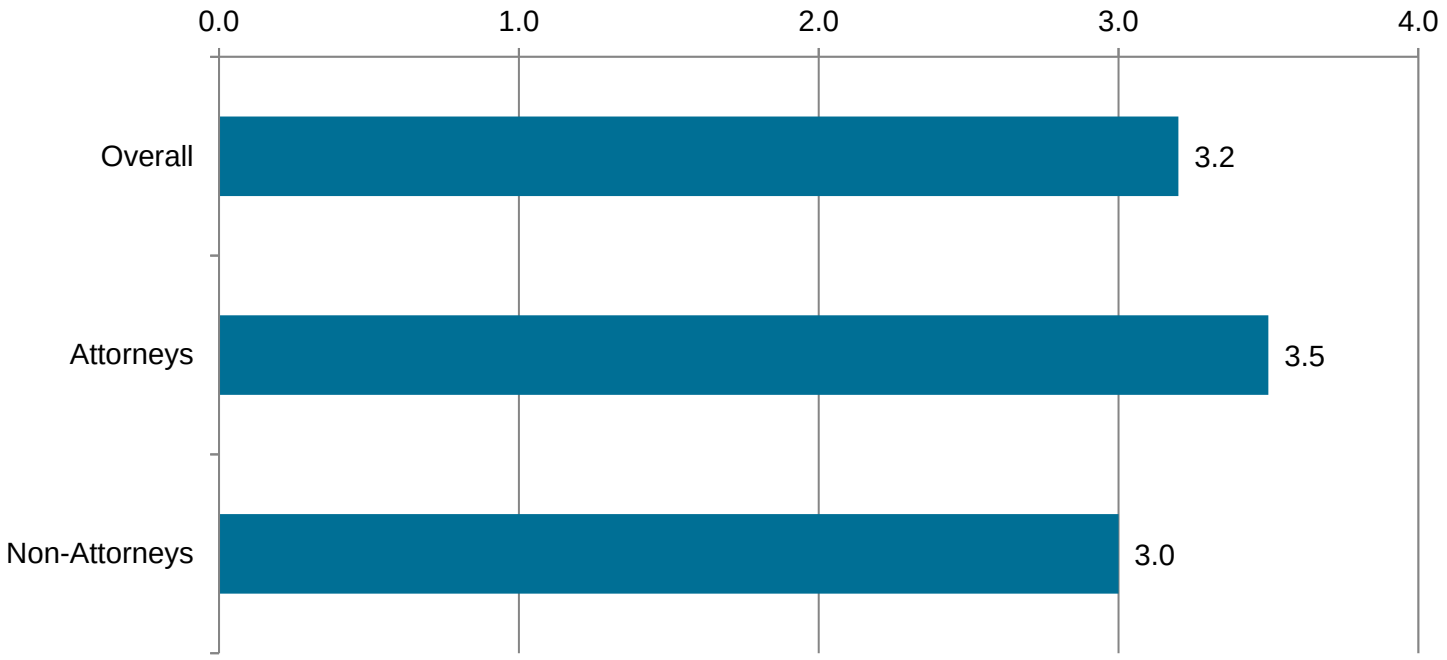
*** Since this represents negative behavior, the score was reversed.**

Diligence



	Overall	Attorneys	Non-Attorneys	Number of Responses
Uses good judgment in application of relevant law and rules.	3.4	3.4	N/A	14
Is willing to handle cases on the docket even when they are complicated and time consuming.	3.5	3.5	N/A	12
Does the necessary “homework” and is prepared for cases.	3.1	3.1	N/A	14
Begins court on time.	3.4	N/A	3.4	18
Maintains appropriate control over proceedings.	3.2	N/A	3.2	19
Sets reasonable schedules for cases.	3.0	N/A	3.0	20
Is prepared for cases	3.1	N/A	3.1	21
Manages court proceedings so there is little wasted time.	3.0	N/A	3.0	20

Fairness

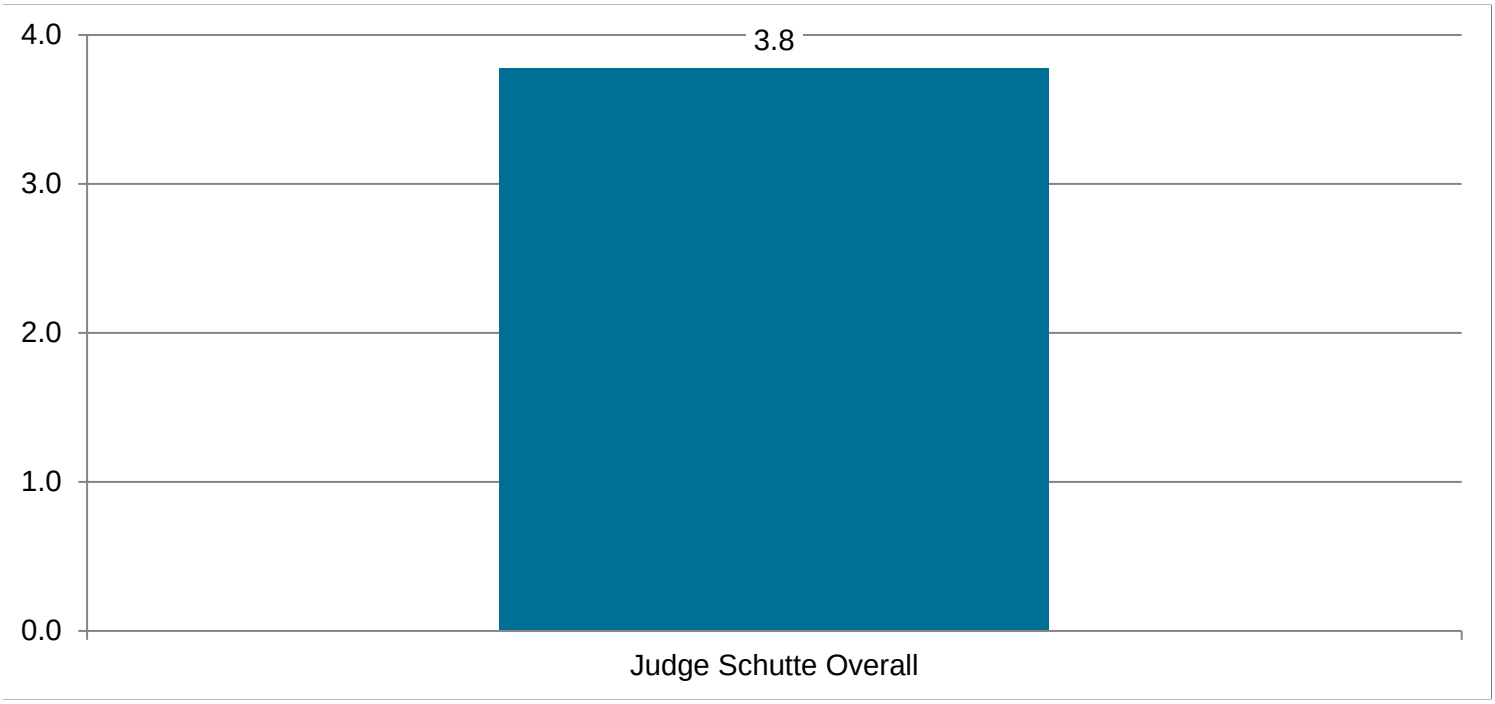


	Overall	Attorneys	Non-Attorneys	Number of Responses
Gives participants an opportunity to be heard.	3.1	N/A	3.1	20
Treats those involved in the case without bias.	3.0	N/A	3.0	20
Treats people fairly who represent themselves.	2.5	N/A	2.5	15
Gives each side enough time to present their case.	3.1	N/A	3.1	18
Conducts their courtroom in a neutral manner.	3.8	3.8	N/A	13
Is fair and impartial to both sides.	3.6	3.6	N/A	13
Appears to decide the outcome of the case before all evidence. *	3.7	3.7	N/A	12
Unnecessarily restricts a party's presentation. *	3.1	3.1	N/A	12

*** Since this represents negative behavior, the score was reversed.**

Survey of Appellate Judges

For Judge Schutte 9 appellate judges agreed they had worked with Judge Schutte enough to evaluate their performance.



	Judge Schutte Overall	Number of Responses
Overall performance as a judge	3.8	9

Appendix 1. Survey Methods – Attorney and Non-attorney

Methodology and How to Read Results

For Judge Schutte, 37 individuals completed surveys with at least a single rating question answered. This report reflects these 37 responses. The survey results are divided into eight sections: Case Management, Application and Knowledge of Law, Communications, Demeanor, Diligence, Fairness, Strengths, and Weaknesses.

A. Response Rates

Attorneys

The response rate is the number of attorneys that answered at least one survey question divided by the total number of attorneys that were asked to evaluate judges. During the 2024 cycle, 11,083 attorneys were sampled and asked to evaluate 1 or more judges. Among these attorneys, 4,251 responded. The attorney response rate is 38%.

The judge completion rate is the total number of attorney/judge pairs (each instance an attorney was asked to evaluate an individual judge with an answer to one or more questions regarding this specific judge) divided by the total number of attorney/judge pairs included in the cycle. During the cycle there was a total of 119,479 pairs with 16,041 responses, for a judge completion rate of 13%. This includes 10,359 responses where the attorneys lacked sufficient knowledge to evaluate the judge.

The evaluation completion rate is the number of evaluations with response to the aspects of judicial performance questions (5,682) divided by the total number of responses, including those where the attorney indicated she lacked sufficient knowledge to evaluate the judge (16,041). The evaluation completion rate is 35%.

During the course of this cycle, most attorneys were asked to participate in more than one quarterly data collection administration to evaluate different judges, with a maximum of three administrations during the cycle.

In addition, attorneys were allowed to evaluate judges who were not included in their invitations. A total of 637 surveys were completed among those attorneys selecting other judges to evaluate. These surveys were not factored in the survey response or completion rates but were factored into the percentage and counts of evaluations with answers to the aspects of judicial performance questions.

Non-attorneys

Court staff select judges to evaluate. Because they selected judges themselves, the response rate cannot be calculated. Similarly, we don’t know the sample size of the juror survey because the survey was administrated by the court. We also don’t know the sample size of the citizens feedback survey because citizens self select to participate. Thus, the response rate of these groups cannot be calculated.

During the 2024 cycle, 117,355 non-attorneys (not including court staff, jurors, and citizens) were sampled and asked to evaluate one or more judges. Among these non-attorneys, 6,614 responded. The non-attorney response rate is 6%. Note that the judge completion rate is equal to response rate among non-attorneys.

The evaluation completion rate is the number of evaluations with responses to the aspects of judicial performance questions, 3,794, divided by the total number of responses, including those where the attorney indicated they lacked sufficient knowledge to evaluate the judge (6,641). The evaluation completion rate is 57%.

Summary of Response Rates for Reporting

Details of the responses from each group used in reporting aspects of judicial performance are included in the table below.

Table 1:

Invitation Method	Invitations Sent	Answered Questions About Aspects of Judicial Performance
Attorney		
Attorney email	119,479	5,682
Attorney Survey Website	N/A	21
Court Attorney (self-select)	58	37
Non-attorney		
Non-attorney email	117,355	3,794
Court Staff Email Invite (Self-select)	2497	793
Appellate Judge	260	992
Citizen Feedback	N/A	43
Juror Survey	Unknown	42

B. Methodology

The 2024 attorney survey was conducted in four cycles online, beginning on September 10, 2023. Invitations were emailed to attorneys with appearances during the first and second quarters of 2023, 2023. Reminders were sent on September 18 and October 10, 2023.

This process was repeated among attorneys with appearances in the third quarter of 2023 with email invitations sent on November 2, 2023, with reminders sent on November 9, 2023, and November 16, 2023.

The final data collection occurred in January 2024. On January 14, 2024, invitations were emailed to attorneys with appearances during the fourth quarter of 2023. Reminders were sent on January 23 and January 28, 2023. Invitations were sent out by request throughout the data collection process.

In addition to emailed invitations, throughout the entire data collection period attorneys could self-select via a public link. Data was downloaded for analysis on February 5, 2024.

Data collection for non-attorneys began on September 9, 2023, and ran through the response deadline of February 4, 2024. Survey invitations were sent via email in quarterly batches to most non-attorneys, mirroring the process used for attorneys. Court staff members were also invited via email but using a different process. Rather than be invited to evaluate specific judges, staff are provided with a list of all judges in their district or county and allowed to choose which to evaluate.

Jurors received email invitations and were also allowed to self-select via publicly posted links. The general public was also allowed to self-select via a separate public link. This survey was open for the entire data collection period and data was downloaded for analysis on February 4, 2024. The survey remained open and any responses for judges received after February 4 were held over for the 2025 evaluation cycle.

Citizens could evaluate judges by accessing the survey through a link available on the Colorado OJPE website.

C. Questions

In the core of the survey, attorneys and non-attorneys (27 attorney and 24 non-attorney) evaluated district and county judges on 50 aspects of judicial performance. These aspects represent the behaviors that judges should or should not demonstrate. The questions asked of attorneys and non-attorneys are listed in the following table:

Questions for Attorney to evaluate district and county judges

Case Management
Promptly issuing a decision on the case after trial
Maintaining appropriate control over proceedings
Promptly ruling on pre-trial motions
Setting reasonable schedules for cases
Provides an alternative to in-person hearings when appropriate
Application and Knowledge of Law
Is able to identify and analyze relevant facts
Bases decisions on evidence and arguments
Issues consistent decisions when the circumstances are similar
Rulings cite the applicable substantive law
Consistently applies laws and rules
Fails to provide a proper legal basis for a decision
Communications
Makes sure all participants understand the proceedings
When issuing a ruling, the judge fails to provide an explanation for the decision
Provides written communications that are clear, thorough, and well- reasoned
Listens carefully during court proceedings
Demeanor
Gives proceedings a sense of dignity
Treats participants with respect
Overreacts to an incident(s) in the courtroom
Addresses individuals (e.g., attorneys, court staff, litigants, public witnesses) disrespectfully in the courtroom
Maintains a professional demeanor in the courtroom
Diligence
Uses good judgment in application of relevant law and rules
Is willing to handle cases on the docket even when they are complicated and time consuming
Does the necessary “homework” and is prepared for cases
Fairness
Conducts their courtroom in a neutral manner
Is fair and impartial to both side.
Appears to decide the outcome of the case before all evidence
Unnecessarily restricts a party’s presentation

Questions for Attorney to evaluate appellate judges

General
Is fair and impartial toward each side of the case
Conducts hearings in a neutral manner.
Writing
Writes opinions that are clear.
Writes opinions that adequately explain the basis of the Court's decision.
Issues opinions in a timely manner.
Makes decisions without regard to possible criticism.
Makes reasoned decisions based upon the law and facts.
Refrains from reaching issues that need not be decided.

Questions for Non-Attorney to evaluate district and county judges

Case Management
Promptly issuing a decision on the case after trial
Maintaining appropriate control over proceedings
Promptly ruling on pre-trial motions
Setting reasonable schedules for cases
Provides an alternative to in-person hearings when appropriate
Application and Knowledge of Law
Is able to identify and analyze relevant facts
Gives reasons for rulings
Willing to make decision without regard to possible outside pressure.
Communications
Makes sure all participants understand the proceedings
Uses language that everyone can understand
Speaks clearly so everyone in the courtroom can understand what's being said
Gives reasons for a ruling when needed
Demeanor
Gives proceedings a sense of dignity
Treats participants with respect
Has a sense of compassion and human understanding for those who appear in court
Diligence
Begins court on time
Maintains appropriate control over proceedings.
Sets reasonable schedules for cases.
Is prepared for cases
Manages court proceedings so there is little wasted time.
Fairness
Gives participants an opportunity to be heard
Treats those involved in the case without bias
Treats people fairly who represent themselves
Gives each side enough time to present their case

D. Analysis and Reporting

Attorneys were asked to rate the judges on these aspects of judicial performance using the categories of Never or Almost Never, Once in a While, Some of the Time, Frequently, and Every or Almost Every Time.

These categories were converted into a numeric scale from 0 to 4: Never or Almost Never – 0; Once in a While – 1; Some of the Time – 2; Frequently – 3; Every or Almost Every Time – 4.

For the following questions, the scales were reversed because these are behaviors judges should not demonstrate: Never or Almost Never – 4; Once in a While – 3; Some of the Time – 2; Frequently – 1; Every or Almost Every Time – 0.

Application and Knowledge of Law
Fails to provide a proper legal basis for a decision
Communications
When issuing a ruling, the judge fails to provide an explanation for the decision
Demeanor
Overreacts to an incident(s) in the courtroom
Addresses individuals (e.g. attorneys, court staff, litigants, public witnesses) disrespectfully in the courtroom.
Fairness
Unnecessarily restricts a party's presentation
Appears to decide the outcome of the case before all evidence

These aspects were grouped by topic into different categories; six categories for district and county judges. The district and county categories were Case Management, Application and Knowledge of Law, Communications, Demeanor, Diligence, and Fairness. Questions regarding appellate judges were divided into two categories, one for general questions and one specific to their writing (only asked of those who indicated they had experience with the judge's or justice's written opinions).

The results include an overall grade, a grade for each category, as well as a grade for each question. The overall score is calculated by averaging the responses to all questions answered by the attorneys. This score will have the same numerical range as the individual questions, from zero to four.

Each category score is calculated by averaging the responses to all questions answered by the attorney within each category. This score will have the same zero to four numerical range as the individual questions. Similarly, an average score is calculated for each individual question with the exception of the final question on meeting performance standards.

The overall average and category scores are reported for each judge along with the average scores for the judge's peers. The average score (with the exception noted above) is reported for each question along with the peer group score. In addition, the report includes the distribution of responses for each question, i.e., the percentage of attorneys that indicated they observed this behavior (six categories).

In a final question, respondents were asked if they thought the judge met judicial performance standards. This is reported in the Performance Scores section of the report.

Changes in 2024 Cycle

A new system of ratings was developed and used during the 2024 cycle. Prior to the 2024 cycle, the aspects of judicial performance were rated using a grade scale of A, B, C, D, or F.

E. Comments

At the end of each group of questions, attorneys and court staff had the option of leaving comments about the judge's performance in that area. Attorney and court staff also had the option to leave comments about the judge's strength and weakness. All respondents had the option to leave comments about the judge's performance in general. By statute, these comments are confidential and only provided to the judge and the District Commission on Judicial Performance. They are not released to the public.

Appendix 2. Survey Methodology - District Judge Survey by Appellate Judges

Methodology and How to Read Results

A. Response Rates

Invitations were sent via email to all 37 Supreme Court justices and Court of Appeals judges. Of these, 9 completed the survey and felt they had sufficient knowledge of Judge Schutte to evaluate their performance.

B. Methodology

Appellate judges were surveyed to evaluate the performance of district judges standing for retention. This evaluation of district judges was conducted via an online survey hosted in the Voxco® survey software. An email invitation was sent on January 16, 2024. Reminders were sent on January 22 and January 29, 2024.

C. Questions

Due to the considerable number of judges being evaluated, the district judge evaluation survey consisted of a single question pertaining to each judge. Appellate judges and justices were asked to evaluate the district judge's overall performance as a judge on a grade scale of A through F, with A being Excellent and F being Fail. To reduce bias in the survey, the district judges being evaluated were grouped by district with the districts presented in random order.

D. Analysis and Reporting

For analysis, letter grades were converted to a numerical score where A = 4, B = 3, C = 2, D = 1 and F = 0. The overall score is calculated by averaging the responses to all questions answered. This score will have the same numerical range as the individual questions from zero to four.

The overall average is reported for each judge along with the average scores for the judge's peers. In addition, the report includes the distribution of responses for each question; that is, the percentage of respondents who assigned a rating of A, B, C, D, and F.

E. Comments

Respondents were given the option to leave supporting comments in a box next to where they graded each judge. By statute, these comments are confidential and only provided to the judge and the District Commission on Judicial Performance. They are not released to the public.