

Evaluation of the Judiciary Serving Jefferson County, KY

*United States District Court for the Western District of Kentucky,
United States Bankruptcy Court for the Western District of Kentucky,
Magistrate Judges for the Western District of Kentucky,
Jefferson District Court*

Comparison of Judges Summary Report



LOUISVILLE BAR
ASSOCIATION

Pride in the profession. Service to the community.

**The Louisville Bar Association and
The Louisville Bar Foundation
600 West Main Street
Louisville, KY 40202**

**2016 Evaluation
Reported in 2017**

Table of Contents

Background and Methodology	1
General Satisfaction with Performance	4
Judicial Temperament Ratings	13
Court Management Ratings	22
Judicial Integrity Ratings	31
Legal Ability Ratings	40
Civil Case Ratings	49
Criminal Case Ratings	55

Background and Methodology

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Background

The Louisville Bar Association (LBA) contracted the services of Thoroughbred Research Group to assist in its annual review of the performance of sitting judges. KBA members with contact addresses in Jefferson County were invited to rate the performance of various judges with whom they have had experience over the past two years. Judges included in the 2016 evaluation were those serving in the United States District Court for the Western District of Kentucky, United States Bankruptcy Court for the Western District of Kentucky, and Jefferson District Court. Also included in the 2016 evaluation were Magistrate Judges for the Western District of Kentucky.

Methodology

A total of 4,619 KBA members received an emailed invitation to participate in the evaluation. The invitation contained a link to participate in the electronic evaluation. A unique identification number was required to access the evaluation. The evaluation was open from October 20 through November 4, 2016. If any attorney did not want to participate via the electronic evaluation, he or she was allowed to print out a paper copy of the evaluation and return it by mail to Thoroughbred Research Group for processing.

In total, 414 responses were received – 411 electronic evaluations, along with 3 mailed paper evaluations.

Questionnaire

The survey instrument included a series of 19 attributes for the judges of the United States District Court and Jefferson District Court, and 17 attributes for judges of the United States Bankruptcy Court and Magistrate Judges that were used to evaluate the performance of each judge. Respondents were asked to indicate the extent to which they agreed or disagreed with each statement used to describe a particular judge using a four-point rating scale of strongly disagree, disagree, agree, and strongly agree. Respondents were also given an option to write in any advice they would give to a particular judge to improve his/her performance. These comments were provided only to the applicable judge under separate cover as confidential feedback for his or her personal review. General comments on how to improve the evaluation process and the court system were submitted to the LBA's Judicial Evaluation Committee and the Chief Judge of each court, respectively, under separate cover.

Respondents were instructed to rate only those judges with whom they have had substantial professional contact within the past two years.

Response Rate

Because of the size of the litigation bar and the nature of such practice, only a limited number of attorneys have had significant experience with a particular judge in a specific court. Consequently, from the original 0,000 attorneys who received notice of the evaluation, just a fraction could reasonably be expected to respond to the survey questions. Of those attorneys who were qualified and agreed to respond to the evaluation, many may have significant experience in only one of the courts evaluated or with a limited number of the judges listed. Still, the number of lawyers responding is more than adequate to result in a statistically valid evaluation of the judiciary. The total numbers of KBA members who rated each judge are shown below:

United States District Court for the Western District of Kentucky

David J. Hale. (n = 81) Joseph H. McKinley Jr. (n = 71) Greg N. Stivers (n = 35)

United States District Court for the Western District of Kentucky – Senior Judges

Thomas B. Russell (n = 94) Charles R. Simpson III (n = 129)

United States Bankruptcy Court for the Western District of Kentucky

Thomas H. Fulton (n = 42) Joan A. Lloyd (n = 47) Alan C. Stout (n = 43)

Magistrates for the Western District of Kentucky (Sitting in Louisville)

Colin H. Lindsay (n = 106) Dave Whalin (n = 132)

Magistrates for the Western District of Kentucky (Sitting Elsewhere)

H. Brent Brennenstuhl (n = 32) Lanny King (n = 18)

Jefferson District Judges

David P. Bowles (n=169)	Stephanie Pearce Burke (n=172)	Gina Kay Calvert (n=145)	Anne Watkins Delahanty (n=119)
Sean R. Delahanty (n=168)	Eric J. Haner (n=129)	Anne Leitsch Haynie (n=137)	Louis J. “Todd” Hollenbach IV (n=101)
David L. Holton II (n=236)	Annette C. Karem (n=135)	Kathryn R. “Katie” King (n=180)	Jennifer H. Leibson (n=127)
Sandra L. McLaughlin (n=164)	Jennifer B. Wilcox (n=134)	Erica Lee Williams (n=150)	Amber B. Wolf (n=129)

Note: Magistrate Judges Brennenstuhl and King occasionally hear cases in the Louisville area, and are therefore included in this evaluation. However, they primarily adjudicate cases in other areas of the Western District of Kentucky. The views of the Louisville-area attorneys shown here should not be interpreted as an evaluation from the full range of attorneys who have practiced before these magistrates during the past two years.

General Satisfaction with Performance

The rating for this category is based on the level of agreement with the following statement for each judge:

- Does a good job overall.

This is an independent rating of the above attribute. It is not a mathematical average of all other ratings.

General Satisfaction with Performance United States District Court for the Western District of Kentucky



Note: David J. Hale and Greg N. Stivers not evaluated in 2014.

General Satisfaction with Performance

United States District Court for the Western District of Kentucky – Senior Judges



General Satisfaction with Performance United States Bankruptcy Court for the Western District of Kentucky

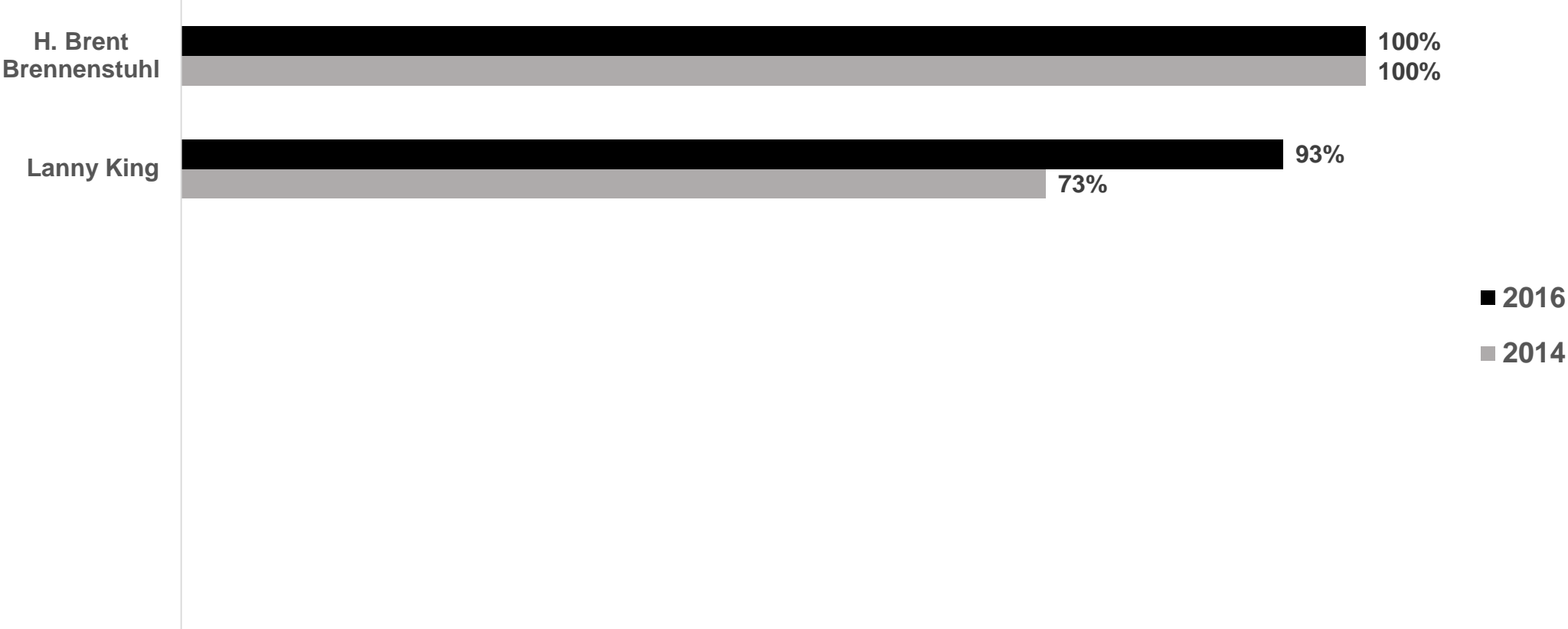


General Satisfaction with Performance Magistrate Judges for the Western District of Kentucky (Sitting in Louisville)



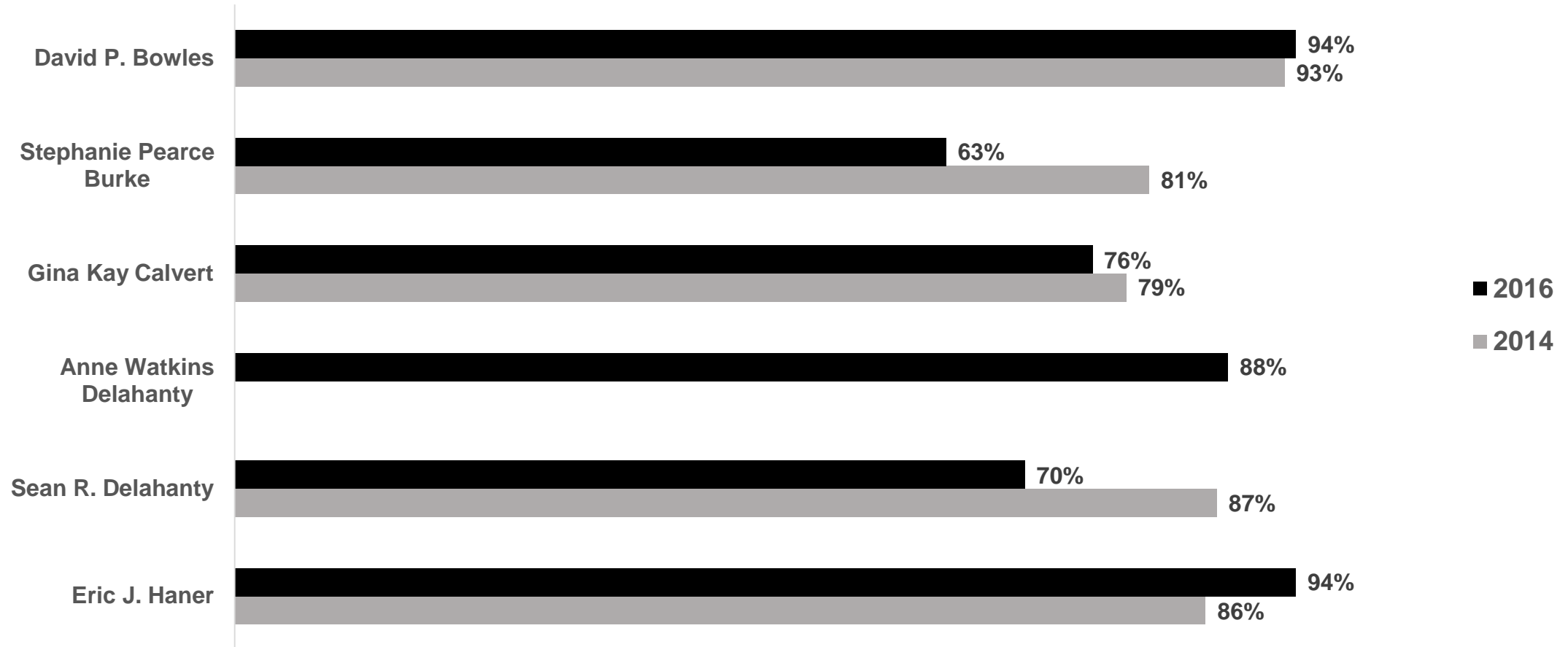
Note: Colin H. Lindsay not evaluated in 2014.

General Satisfaction with Performance Magistrate Judges for the Western District of Kentucky (Sitting Elsewhere)



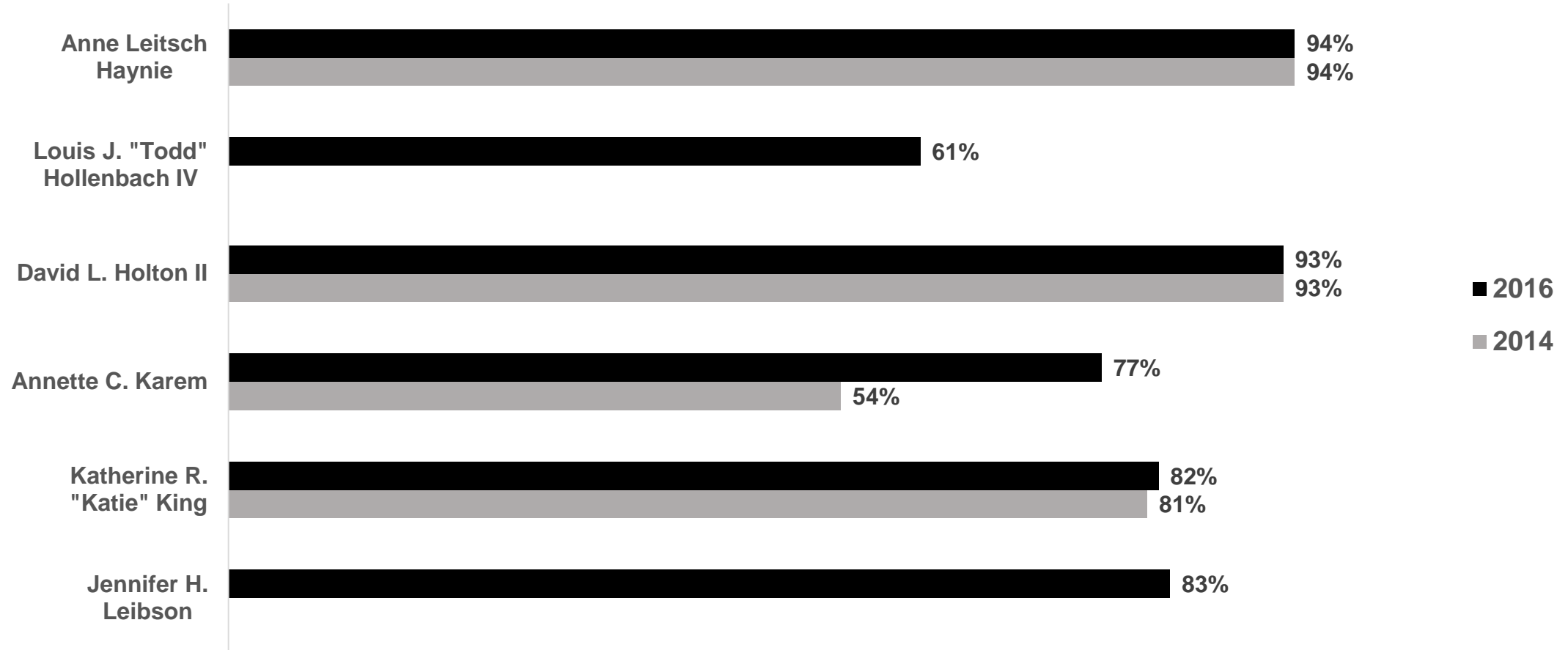
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General Satisfaction with Performance Jefferson District Court



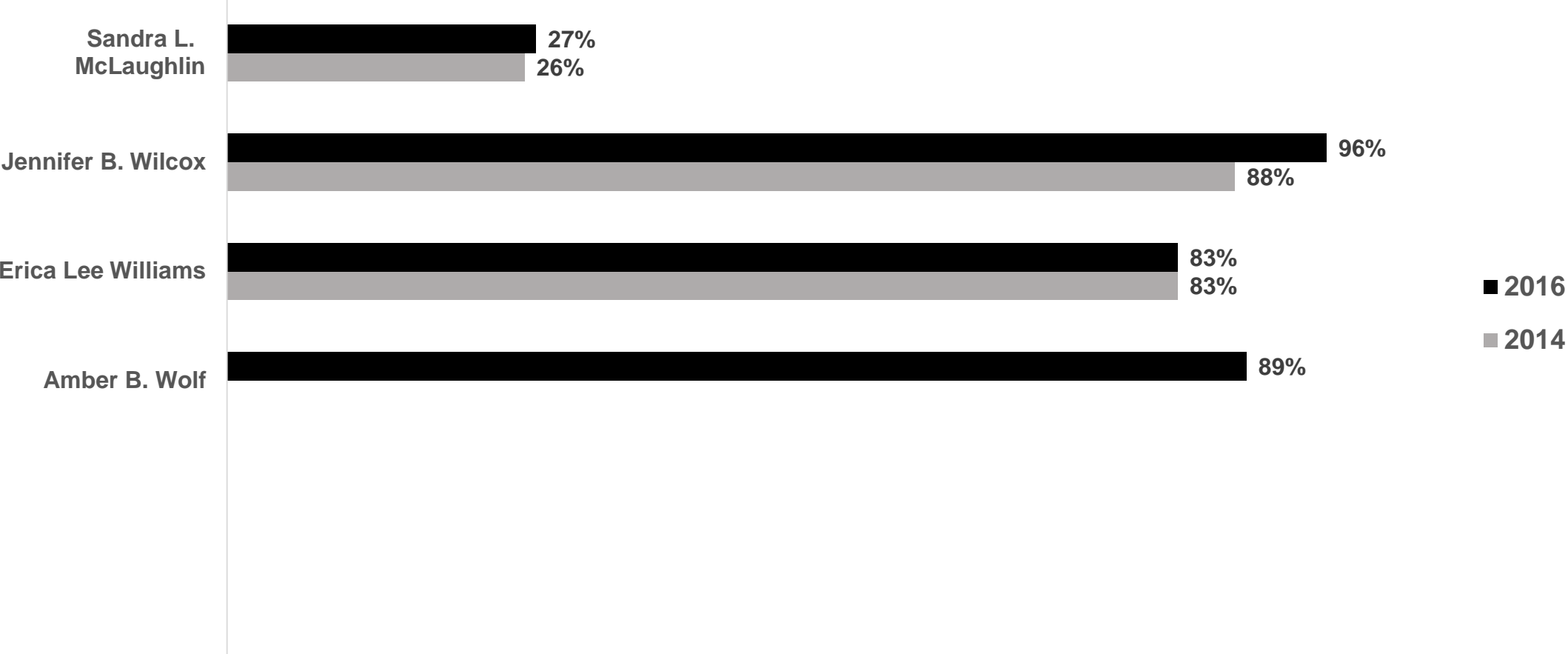
Note: Anne Watkins Delahanty not evaluated in 2014.

General Satisfaction with Performance Jefferson District Court (Continued)



Note: Louis J. "Todd" Hollenbach IV and Jennifer H. Leibson not evaluated in 2014.

General Satisfaction with Performance Jefferson District Court (Continued)



Note: Amber B. Wolf not evaluated in 2014.

Judicial Temperament Ratings

An average rating was calculated for the performance attributes that make up the Judicial Temperament category. This rating was calculated by averaging the positive ratings for each attribute (“strongly disagree” and “disagree” for negative statements, “agree” and “strongly agree” for positive statements). The performance areas under Judicial Temperament are:

- Gives due consideration to arguments of counsel.
- Conducts court proceedings courteously.
- Pre-determines the outcome of the case.
- Refrains from interfering with the role of counsel in case presentation.
- Conducts court proceedings with objectivity.

Judicial Temperament United States District Court for the Western District of Kentucky



Note: David J. Hale and Greg N. Stivers not evaluated in 2014.

Judicial Temperament

United States District Court for the Western District of Kentucky – Senior Judges



Judicial Temperament United States Bankruptcy Court for the Western District of Kentucky



Judicial Temperament Magistrate Judges for the Western District of Kentucky (Sitting in Louisville)



Note: Colin H. Lindsay not evaluated in 2014.

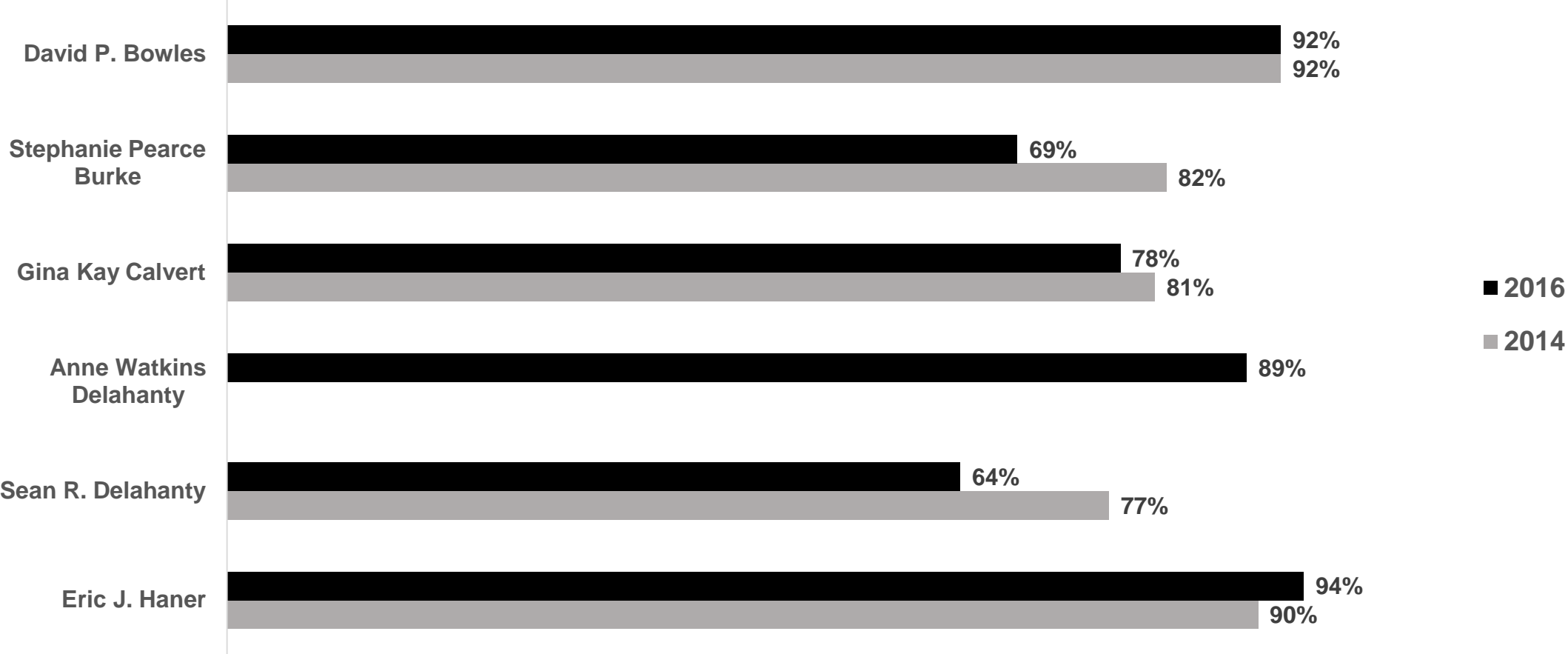
Judicial Temperament

Magistrate Judges for the Western District of Kentucky (Sitting Elsewhere)



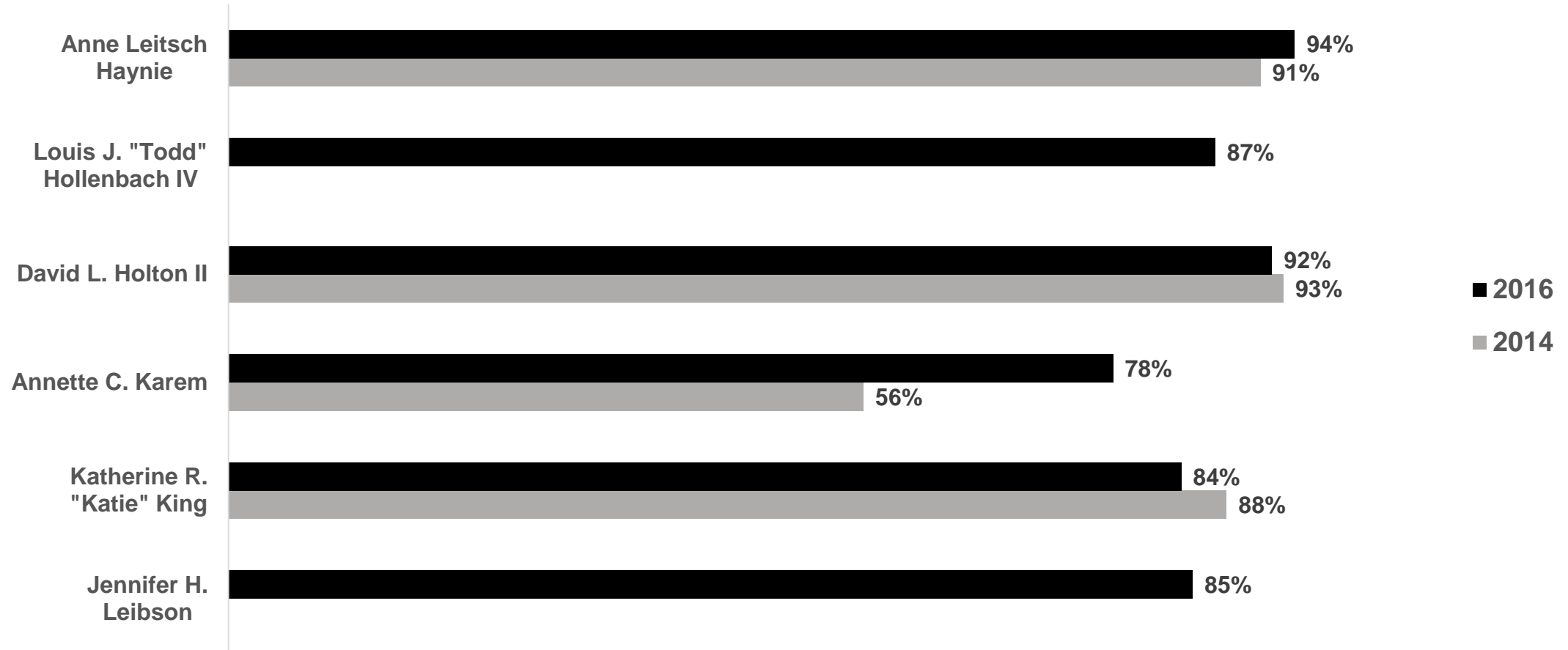
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Judicial Temperament Jefferson District Court



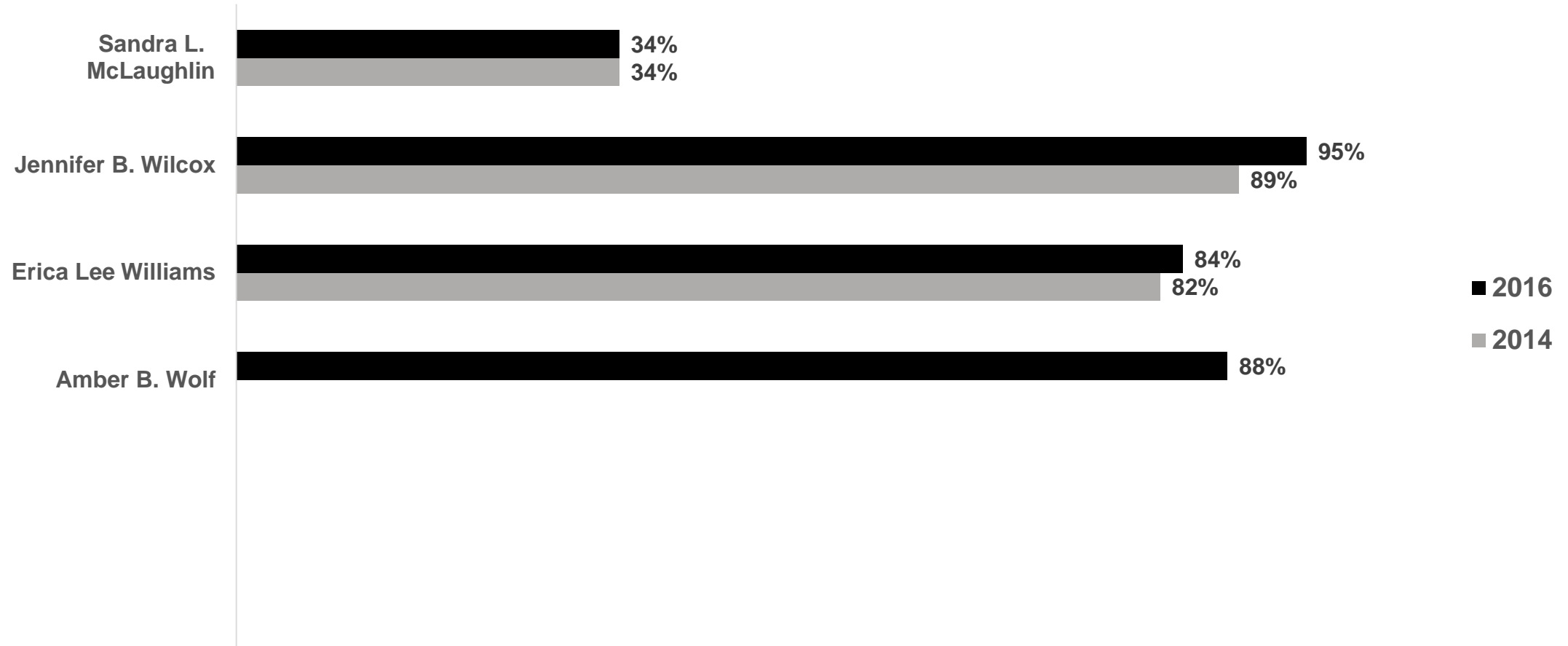
Note: Anne Watkins Delahanty not evaluated in 2014.

Judicial Temperament Jefferson District Court (Continued)



Note: Louis J. "Todd" Hollenbach IV and Jennifer H. Leibson not evaluated in 2014.

Judicial Temperament Jefferson District Court (Continued)



Note: Amber B. Wolf not evaluated in 2014.

Court Management Ratings

An average rating was calculated for the performance attributes that make up the Court Management category. This rating was calculated by averaging the positive ratings for each attribute (“agree” and “strongly agree”). The performance areas under Court Management are:

- Conducts court business in a timely manner.
- Is usually available for business during normal working hours.
- Is familiar with the file so as to consider issues presented.
- Exercises appropriate control over court proceedings and court personnel.

Court Management United States District Court for the Western District of Kentucky



Note: David J. Hale and Greg N. Stivers not evaluated in 2014.

Court Management

United States District Court for the Western District of Kentucky – Senior Judges



Court Management United States Bankruptcy Court for the Western District of Kentucky



Court Management Magistrate Judges for the Western District of Kentucky (Sitting in Louisville)



Note: Colin H. Lindsay not evaluated in 2014.

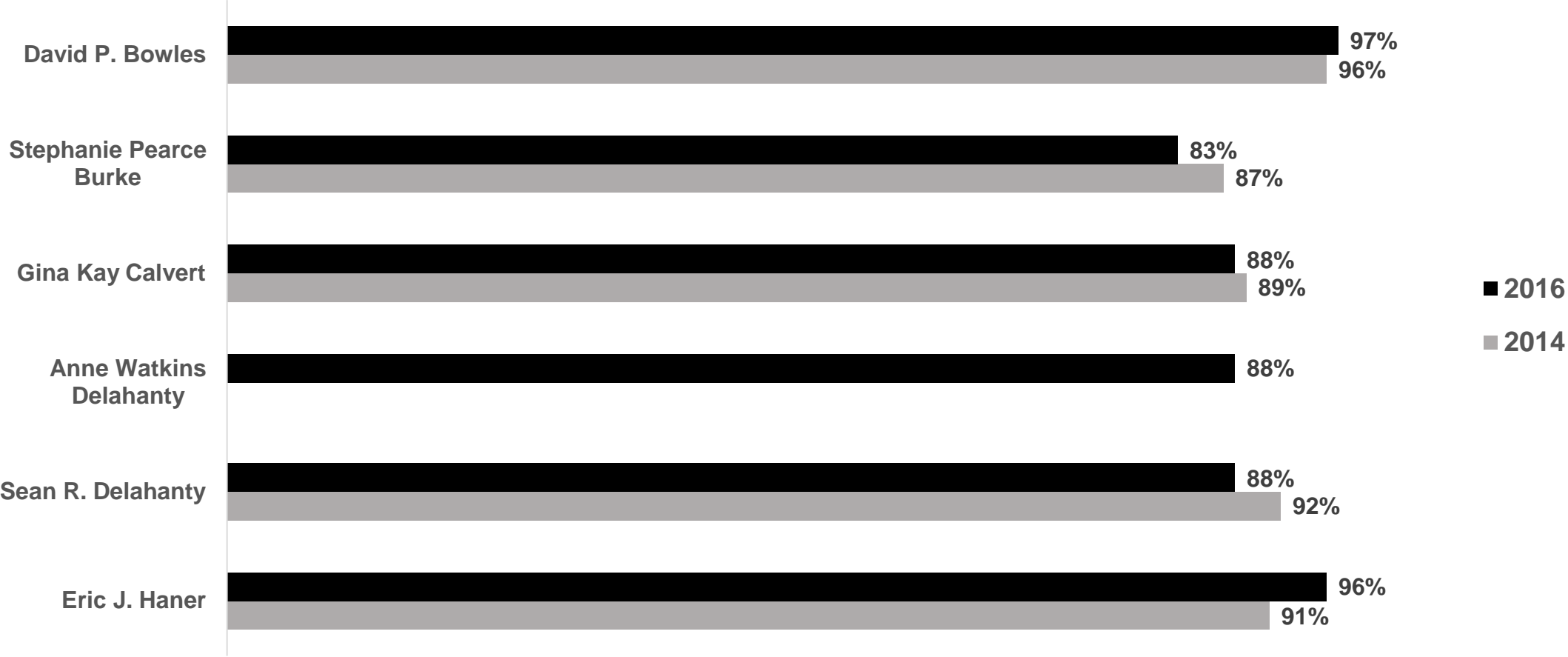
Court Management

Magistrate Judges for the Western District of Kentucky (Sitting Elsewhere)



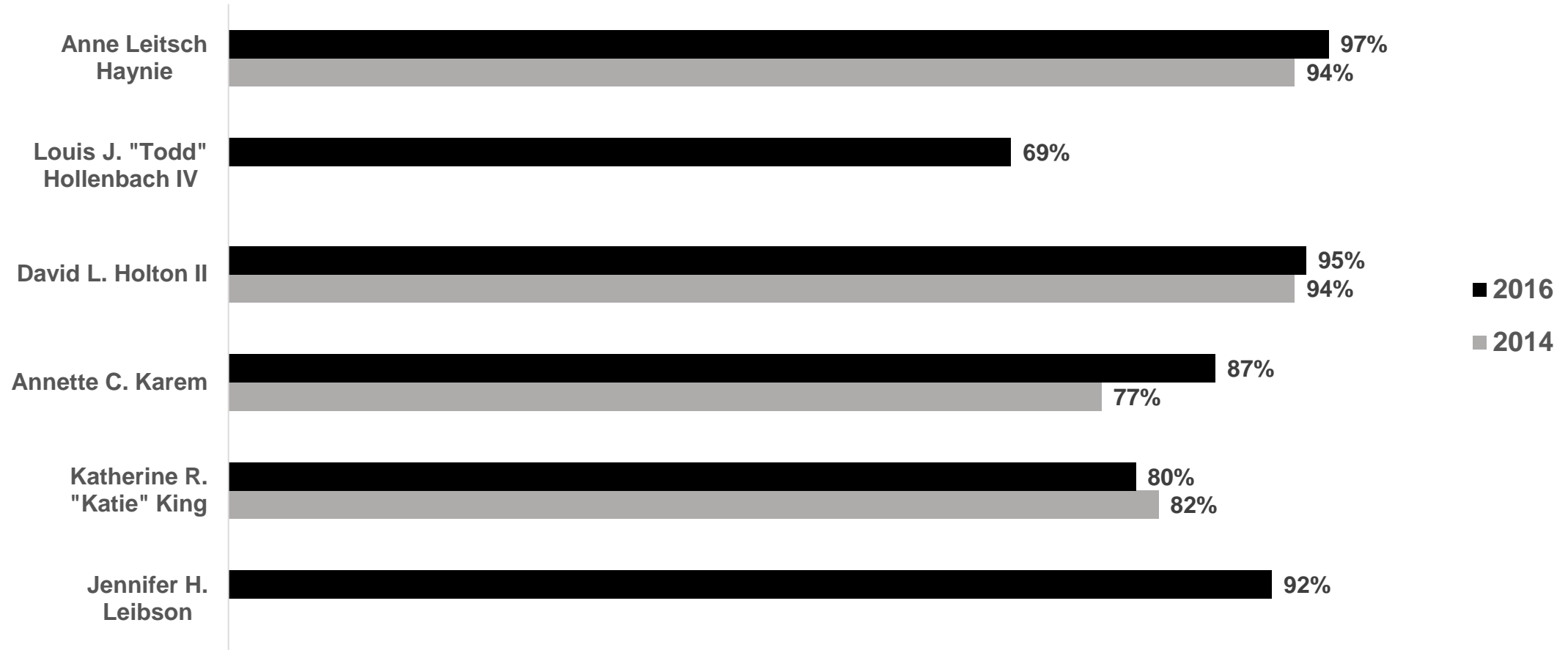
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Court Management Jefferson District Court



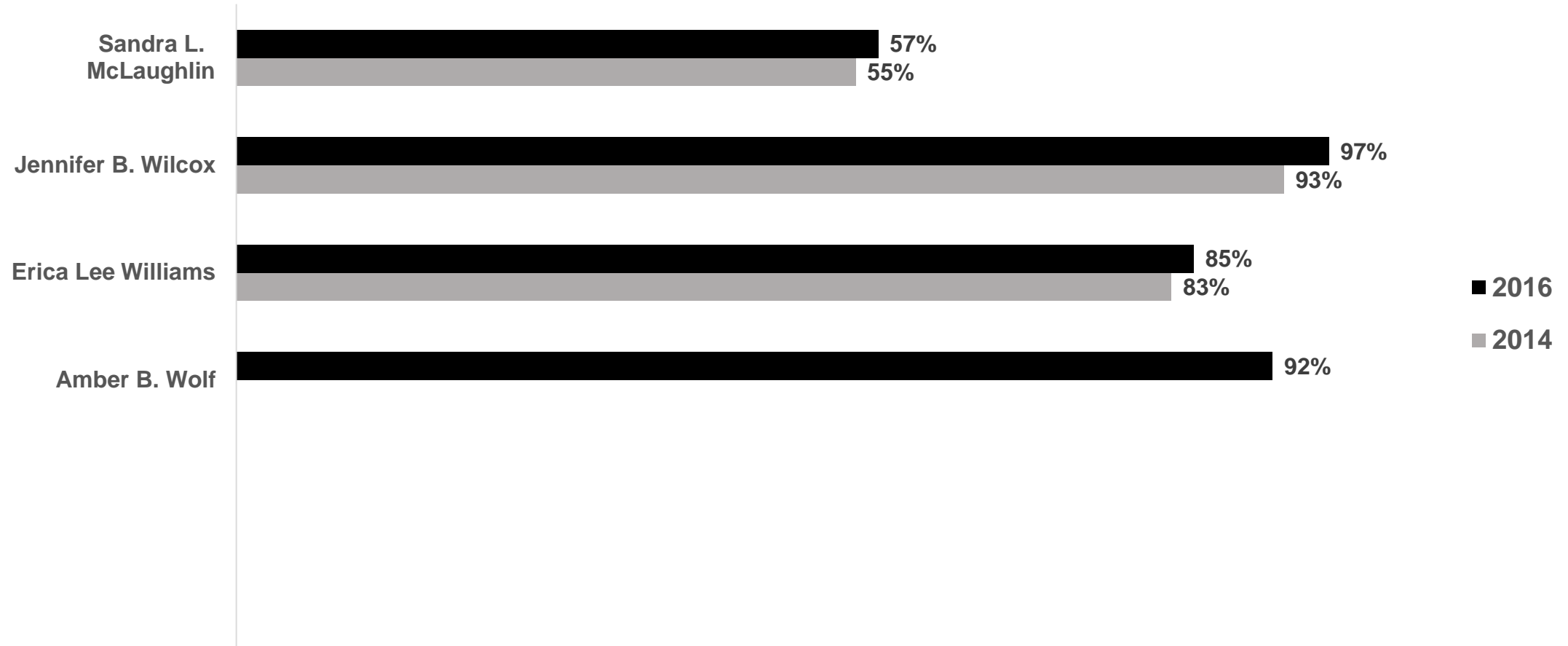
Note: Anne Watkins Delahanty not evaluated in 2014.

Court Management Jefferson District Court (Continued)



Note: Louis J. "Todd" Hollenbach IV and Jennifer H. Leibson not evaluated in 2014.

Court Management Jefferson District Court (Continued)



Note: Amber B. Wolf not evaluated in 2014.

Judicial Integrity Ratings

An average rating was calculated for the performance attributes that make up the Judicial Integrity category. This rating was calculated by averaging the positive ratings for each attribute (“strongly disagree” and “disagree” for negative statements, “agree” and “strongly agree” for positive statements). The performance areas under Judicial Integrity are:

- Is influenced by the race, gender, religion, national origin, disability, age, sexual orientation, or socio-economic status of persons appearing in court.
- Engages in out-of-court conduct or activity which directly interferes with judicial effectiveness.
- Is affected by partisan interests in the conduct of the court.
- Engages in *ex parte* communications which may prejudice proceedings.
- Lets personal relationships affect his/her judgment.
- Adheres to the highest ethical standards in and out of court.

Judicial Integrity United States District Court for the Western District of Kentucky



Note: David J. Hale and Greg N. Stivers not evaluated in 2014.

Judicial Integrity

United States District Court for the Western District of Kentucky – Senior Judges



Judicial Integrity

United States Bankruptcy Court for the Western District of Kentucky



Judicial Integrity Magistrate Judges for the Western District of Kentucky (Sitting in Louisville)



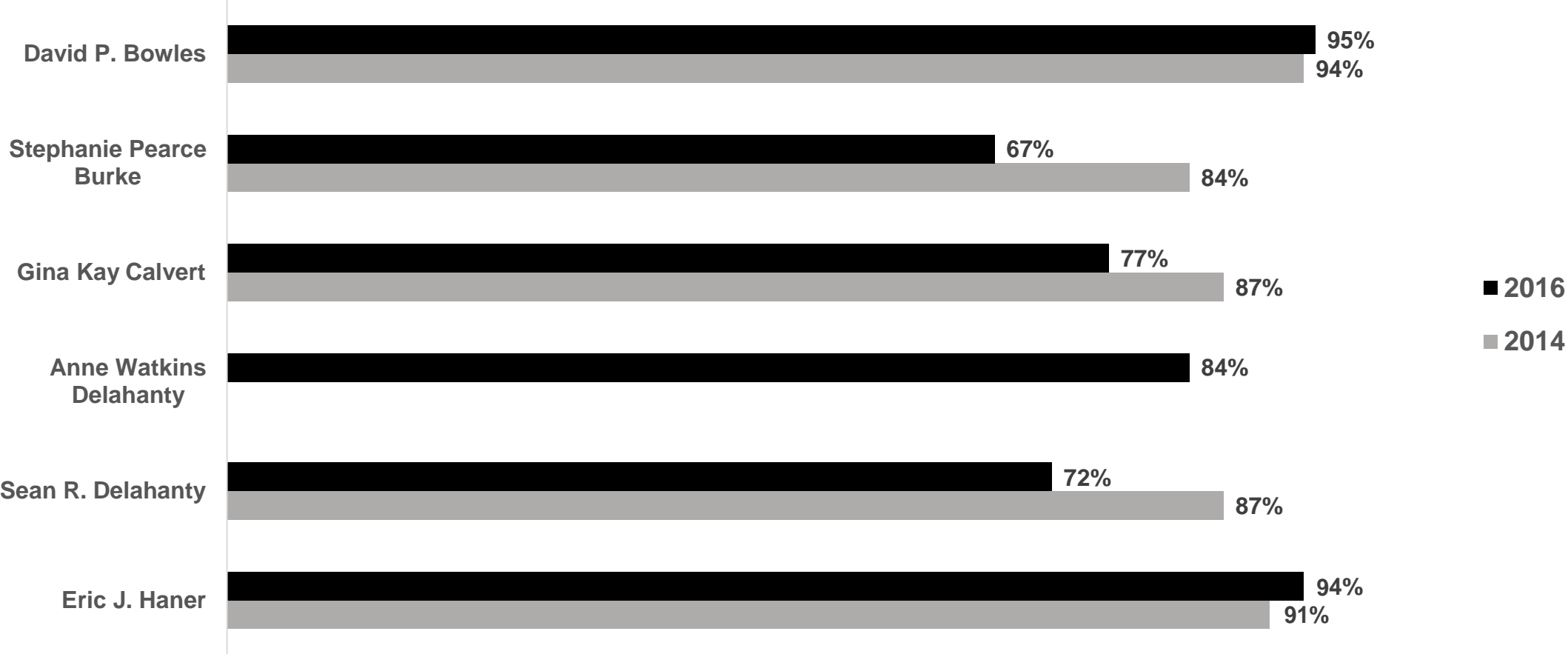
Note: Colin H. Lindsay not evaluated in 2014.

Judicial Integrity Magistrate Judges for the Western District of Kentucky (Sitting Elsewhere)



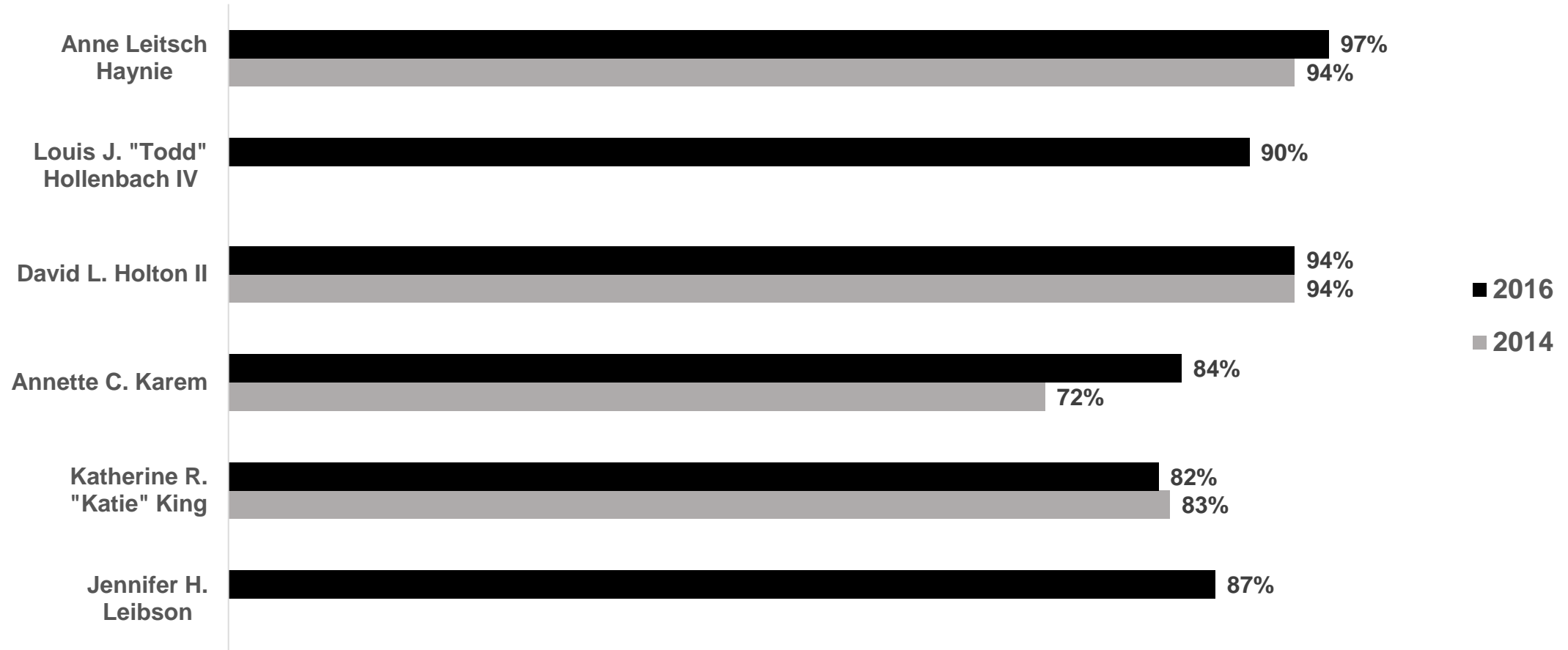
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Judicial Integrity Jefferson District Court



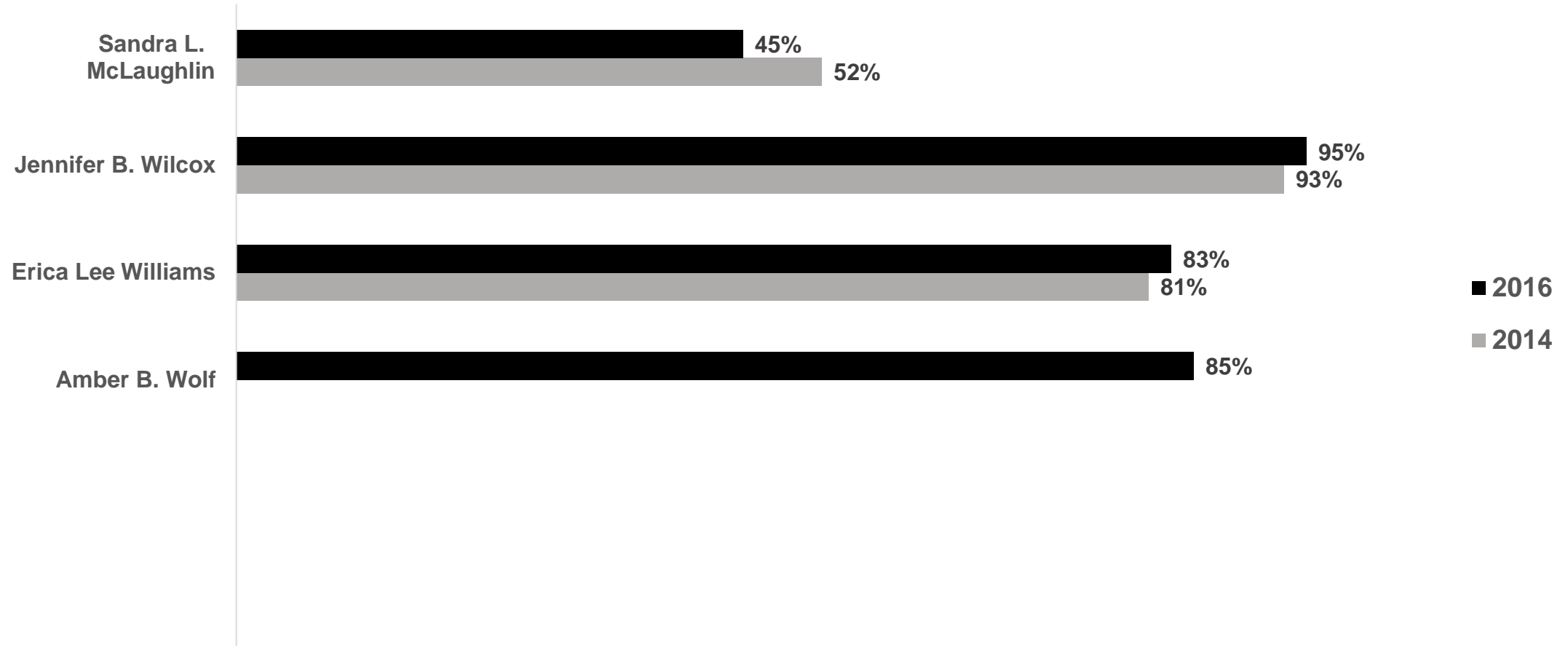
Note: Anne Watkins Delahanty not evaluated in 2014.

Judicial Integrity Jefferson District Court (Continued)



Note: Louis J. "Todd" Hollenbach IV and Jennifer H. Leibson not evaluated in 2014.

Judicial Integrity Jefferson District Court (Continued)



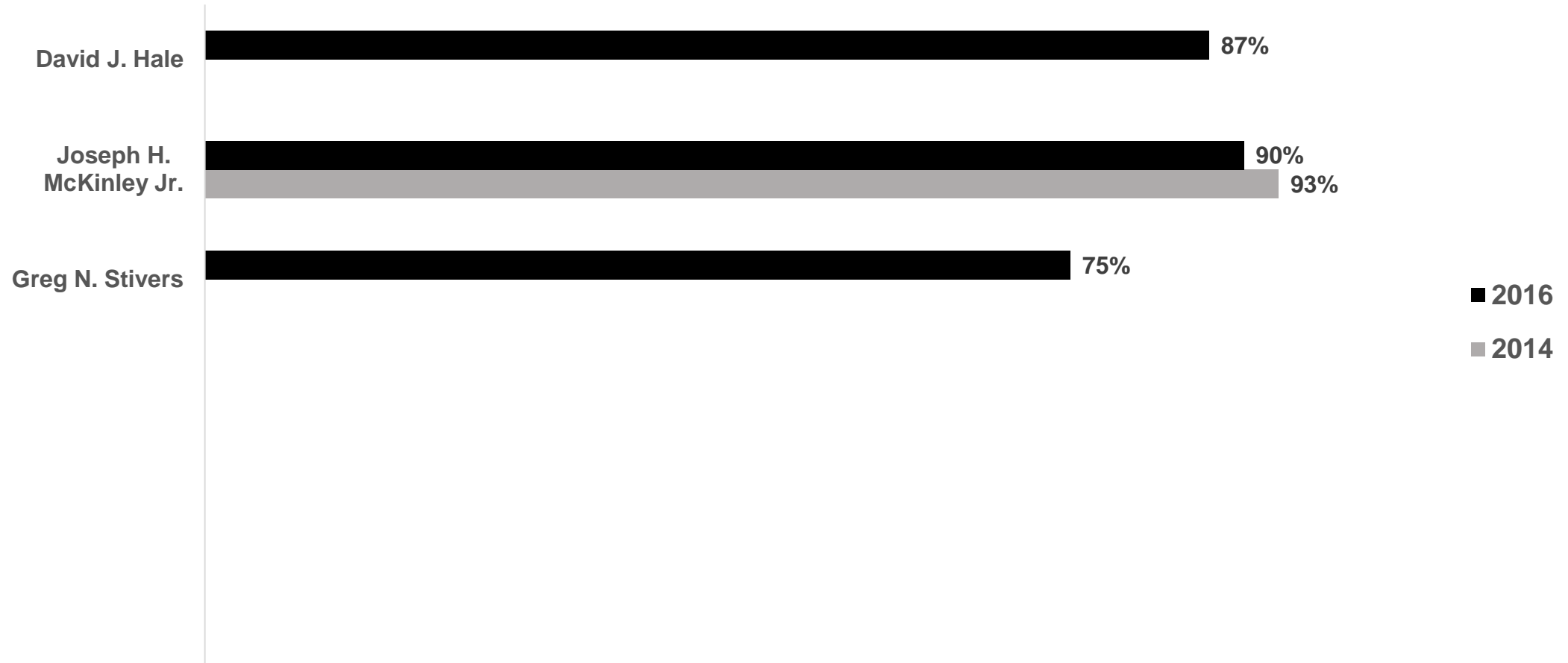
Note: Amber B. Wolf not evaluated in 2014.

Legal Ability Ratings

The rating for this category is based on the level of agreement with the following statement for each judge:

- Renders decisions that reflect sound legal analysis.

Legal Ability United States District Court for the Western District of Kentucky



Note: David J. Hale and Greg N. Stivers not evaluated in 2014.

Legal Ability

United States District Court for the Western District of Kentucky – Senior Judges



Legal Ability United States Bankruptcy Court for the Western District of Kentucky



Legal Ability

Magistrate Judges for the Western District of Kentucky (Sitting in Louisville)



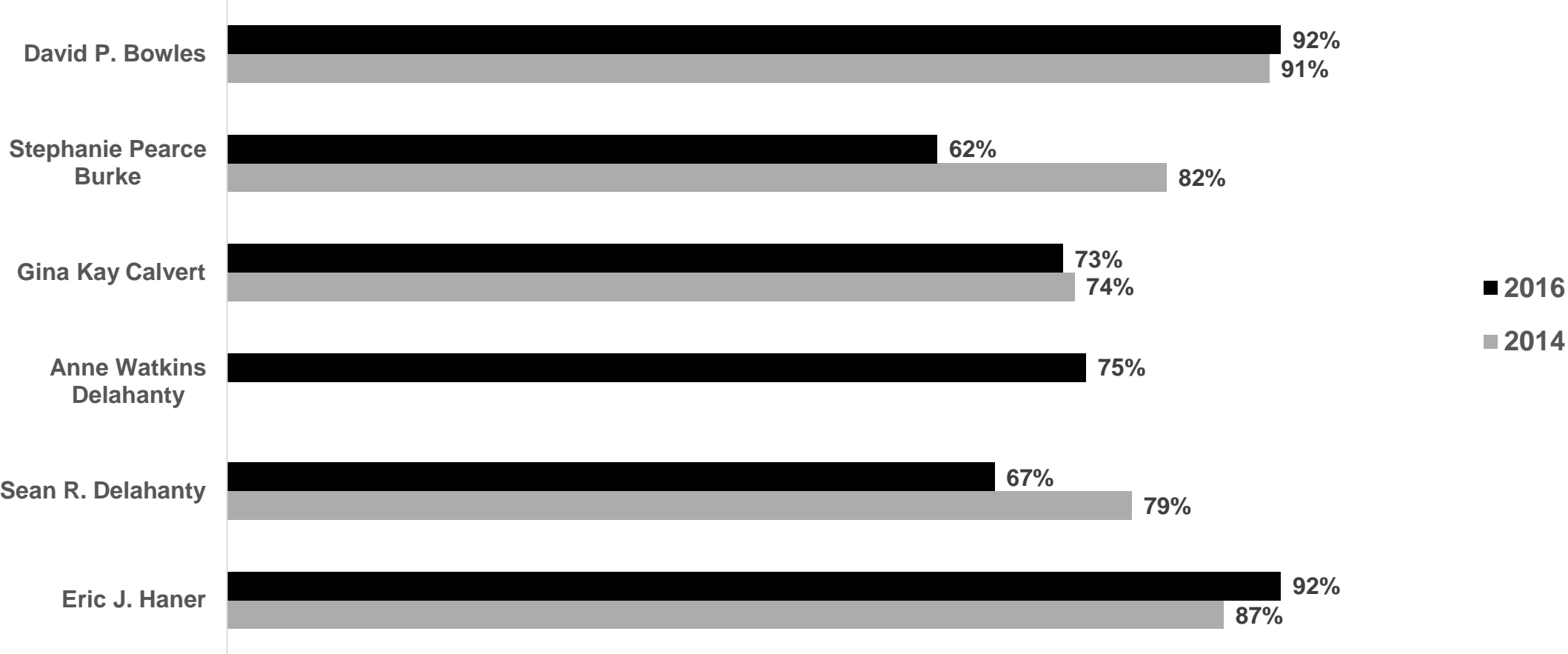
Note: Colin H. Lindsay not evaluated in 2014.

Legal Ability Magistrates for the Western District of Kentucky (Sitting Elsewhere)



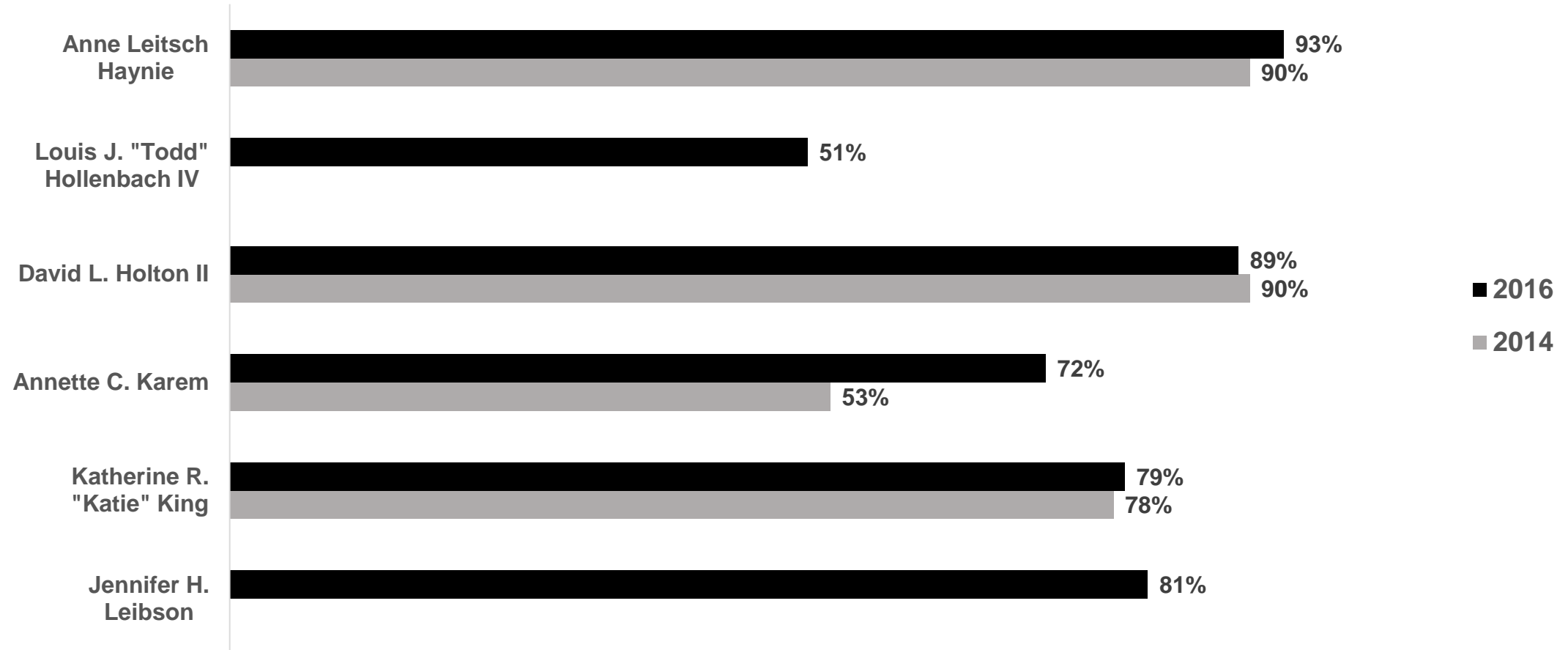
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Legal Ability Jefferson District Court



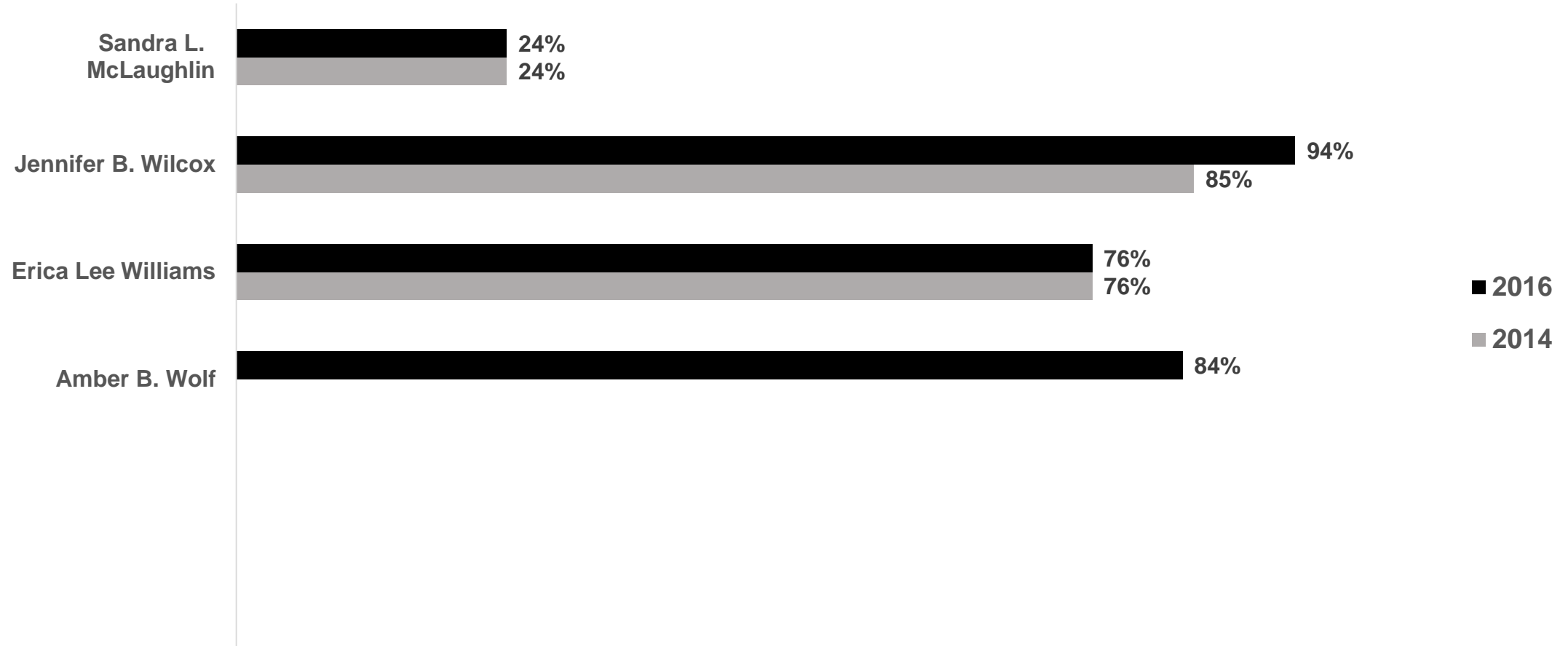
Note: Anne Watkins Delahanty not evaluated in 2014.

Legal Ability Jefferson District Court (Continued)



Note: Louis J. "Todd" Hollenbach IV and Jennifer H. Leibson not evaluated in 2014.

Legal Ability Jefferson District Court (Continued)



Note: Amber B. Wolf not evaluated in 2014.

Civil Cases Ratings

The rating for this category is based on the level of agreement with the following statement for each judge:

- Does a good job handling civil cases.

U.S Bankruptcy Court Judges and Magistrate Judges were not evaluated on civil cases.

Civil Cases United States District Court for the Western District of Kentucky



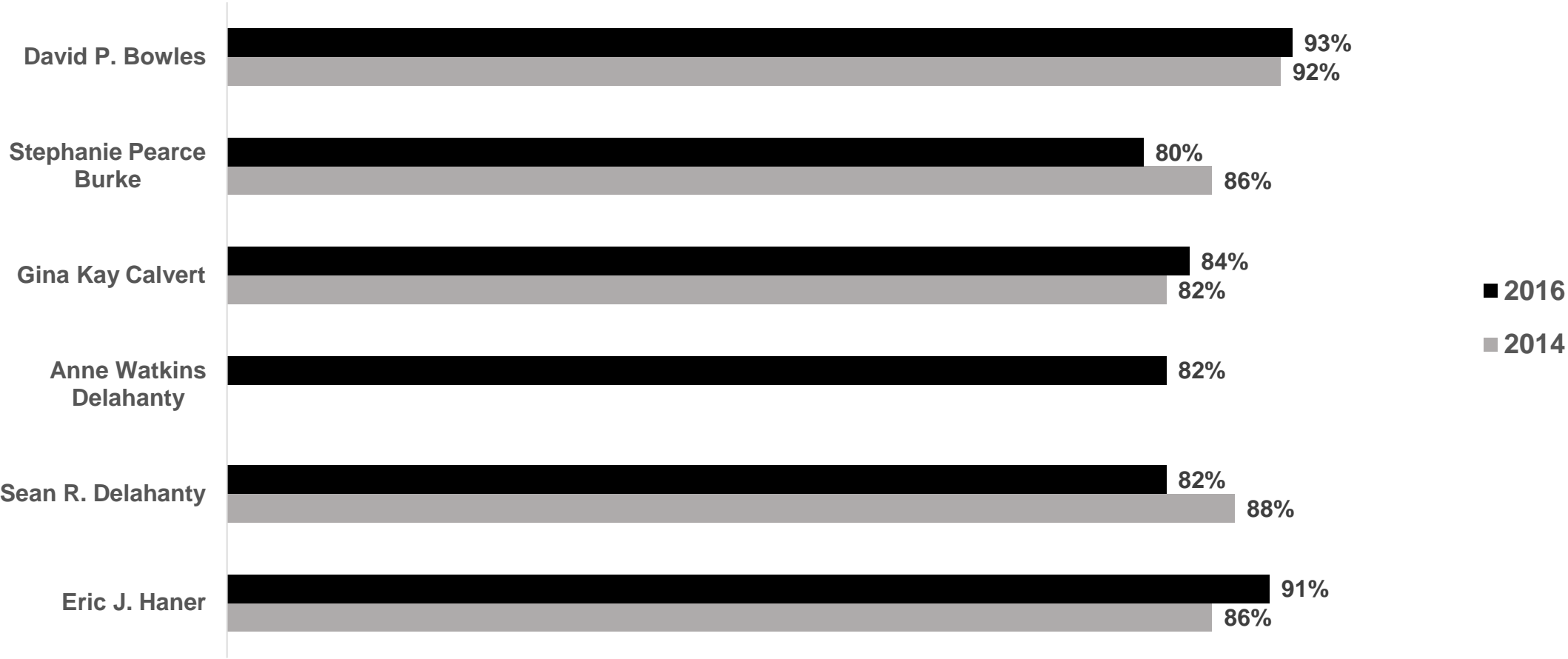
Note: David J. Hale and Greg N. Stivers not evaluated in 2014.

Civil Cases

United States District Court for the Western District of Kentucky – Senior Judges

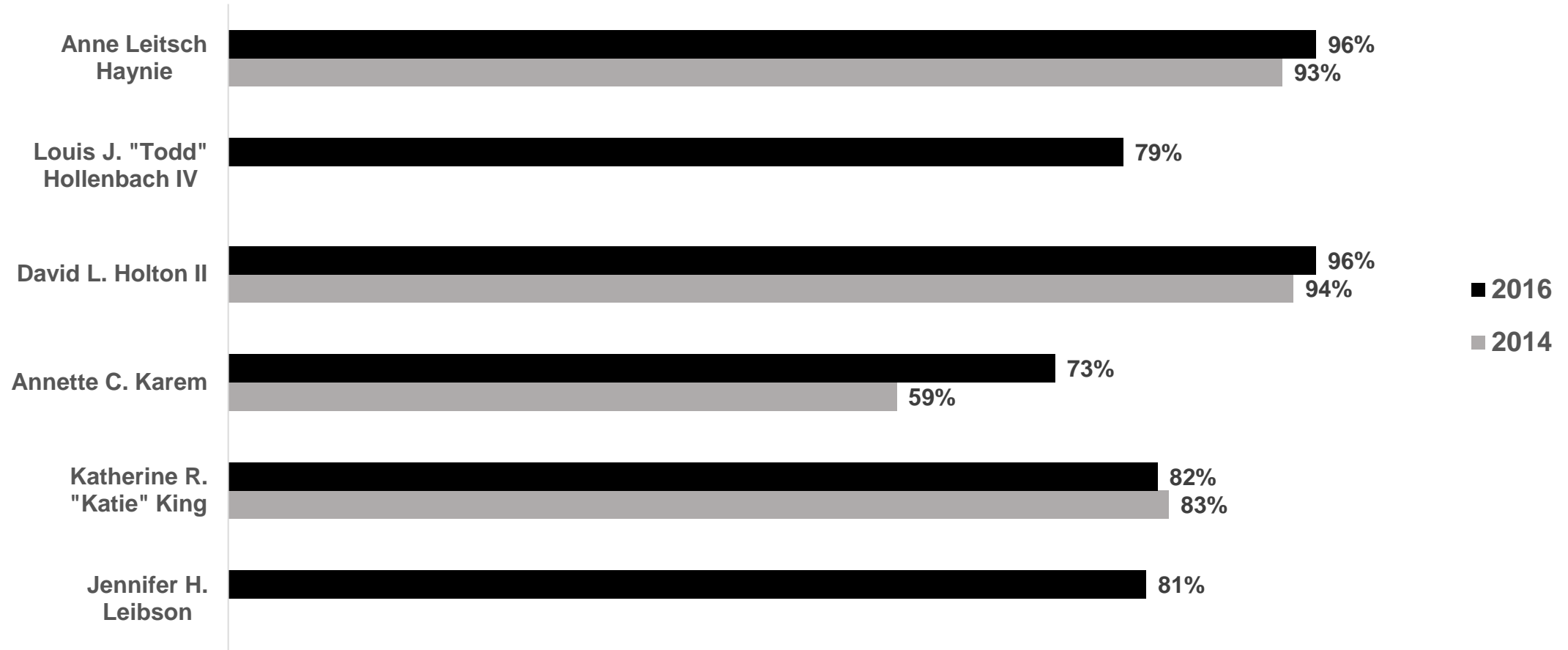


Civil Cases Jefferson District Court



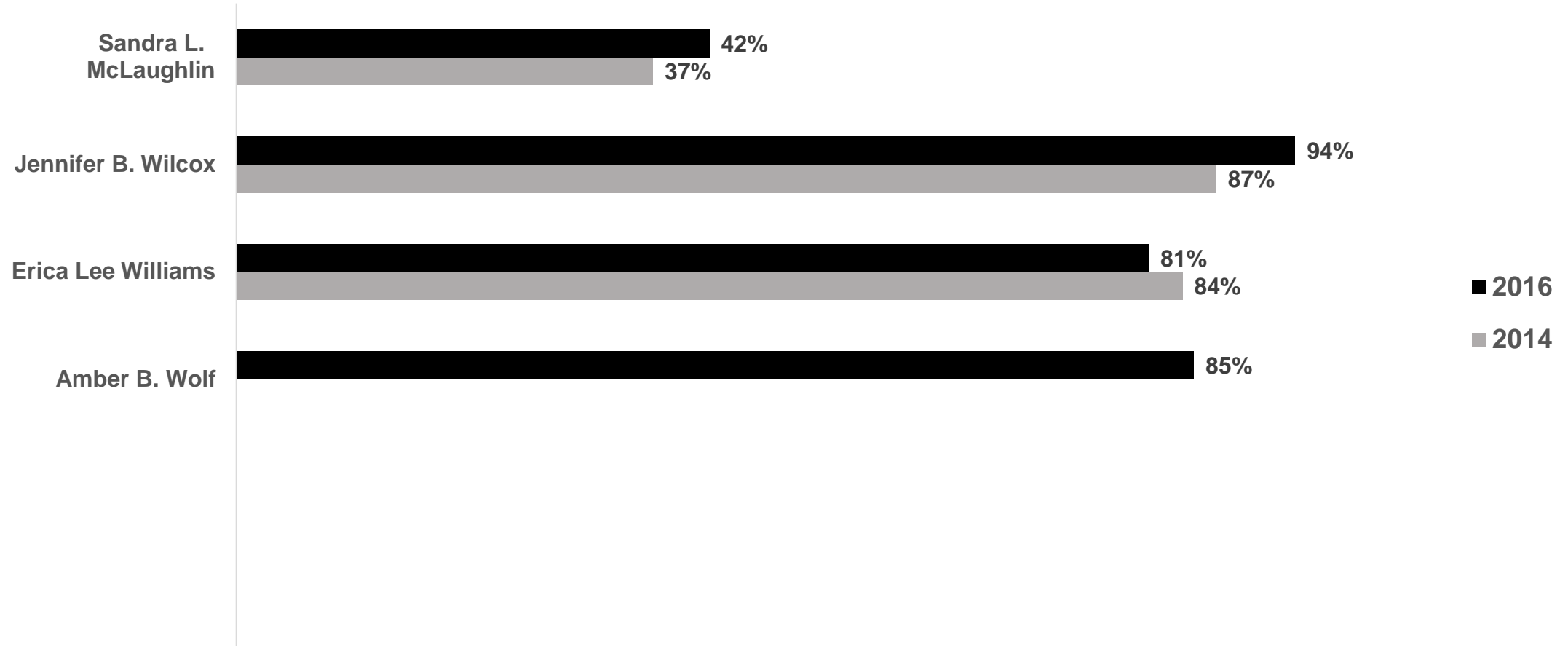
Note: Anne Watkins Delahanty not evaluated in 2014.

Civil Cases Jefferson District Court (Continued)



Note: Louis J. "Todd" Hollenbach IV and Jennifer H. Leibson not evaluated in 2014.

Civil Cases Jefferson District Court (Continued)



Note: Amber B. Wolf not evaluated in 2014.

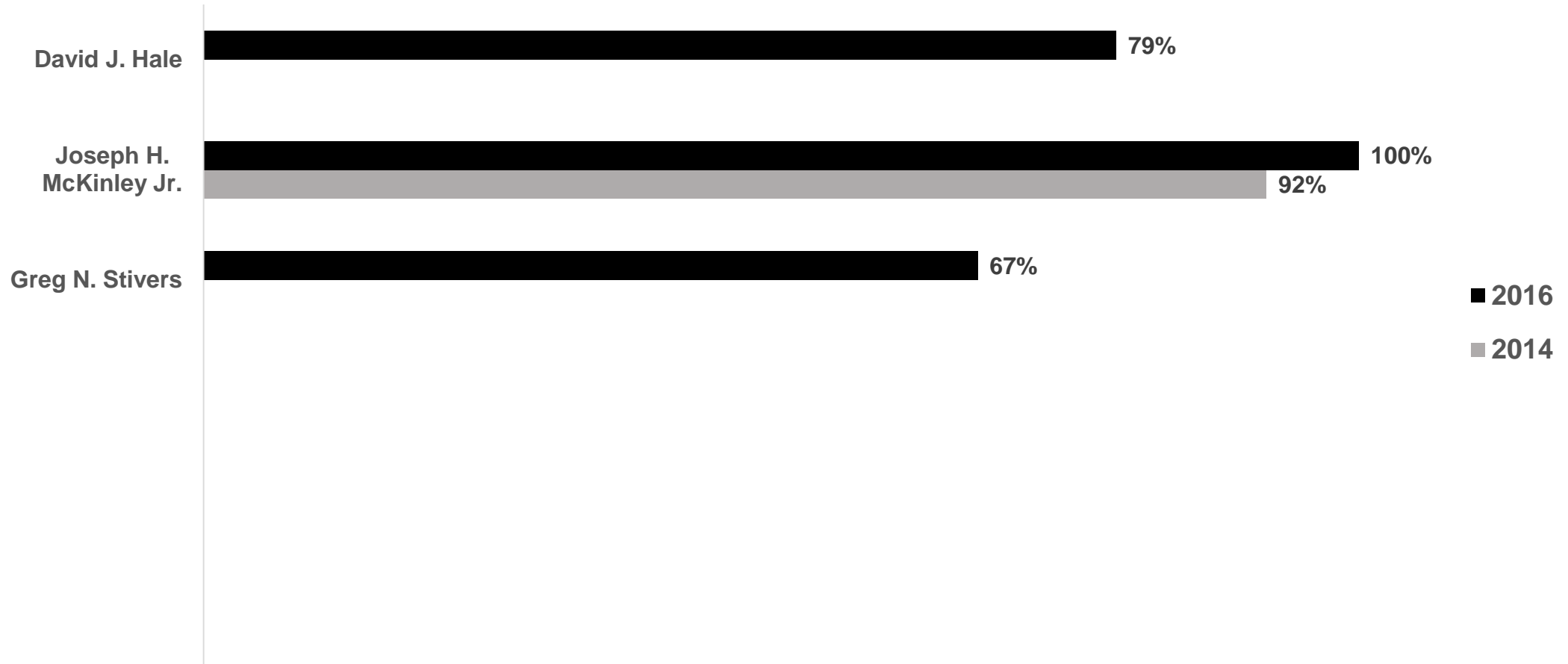
Criminal Cases Ratings

The rating for this category is based on the level of agreement with the following statement for each judge:

- Does a good job handling criminal cases.

U.S Bankruptcy Court Judges and Magistrate Judges were not evaluated on criminal cases.

Criminal Cases United States District Court for the Western District of Kentucky



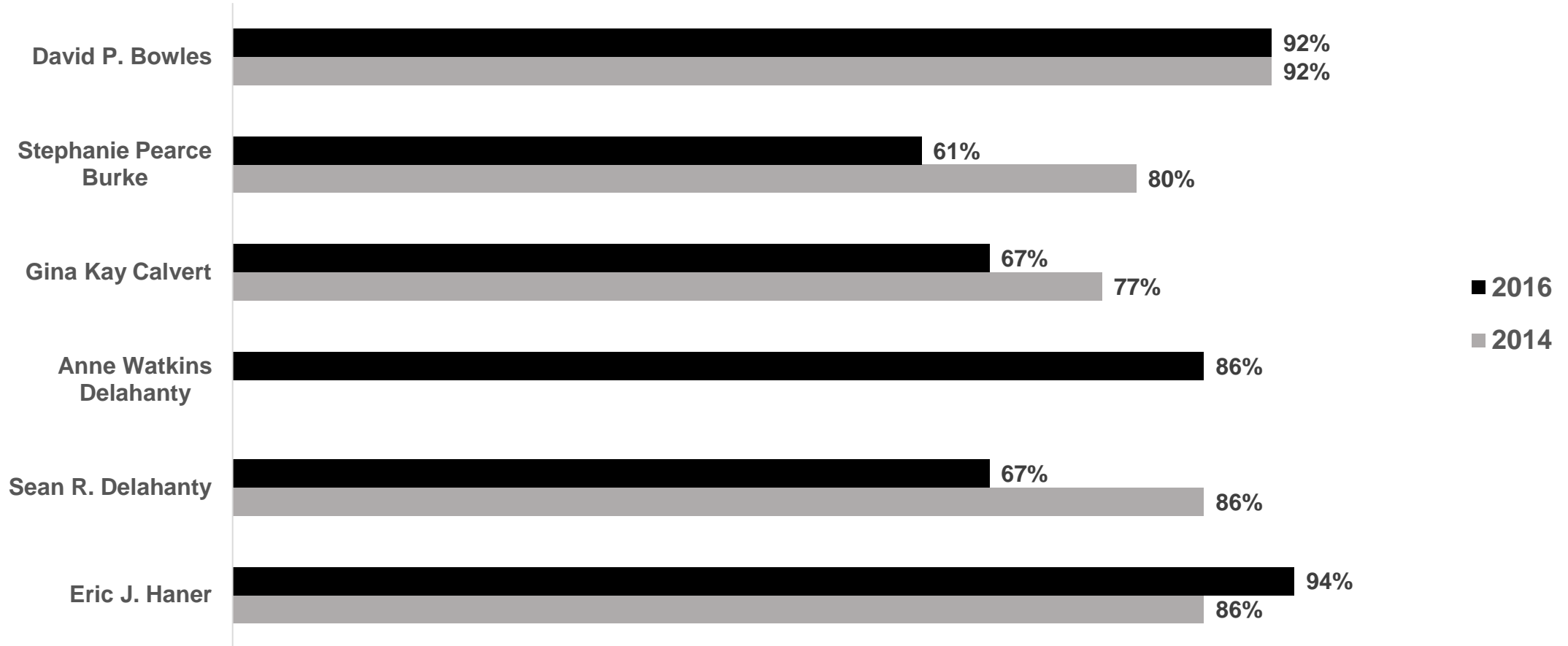
Note: David J. Hale and Greg N. Stivers not evaluated in 2014.

Criminal Cases

United States District Court for the Western District of Kentucky – Senior Judges

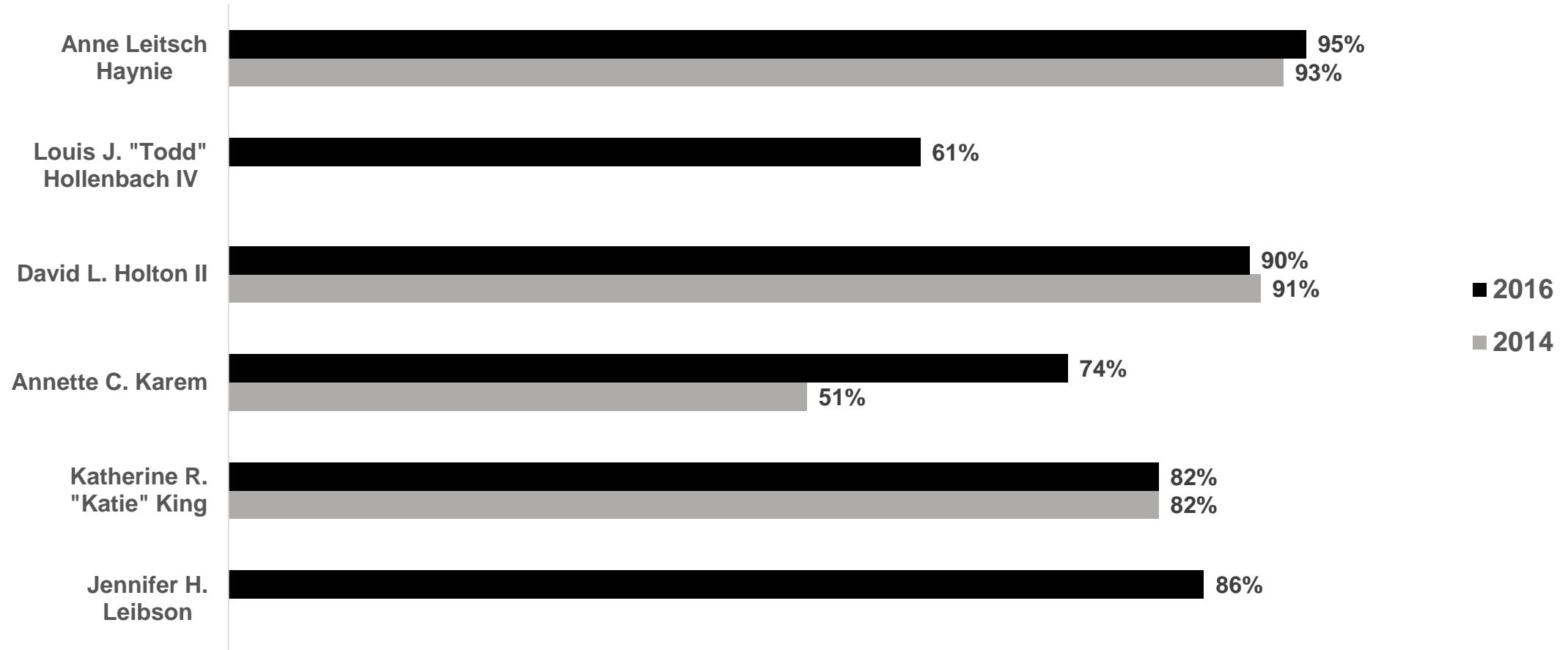


Criminal Cases Jefferson District Court



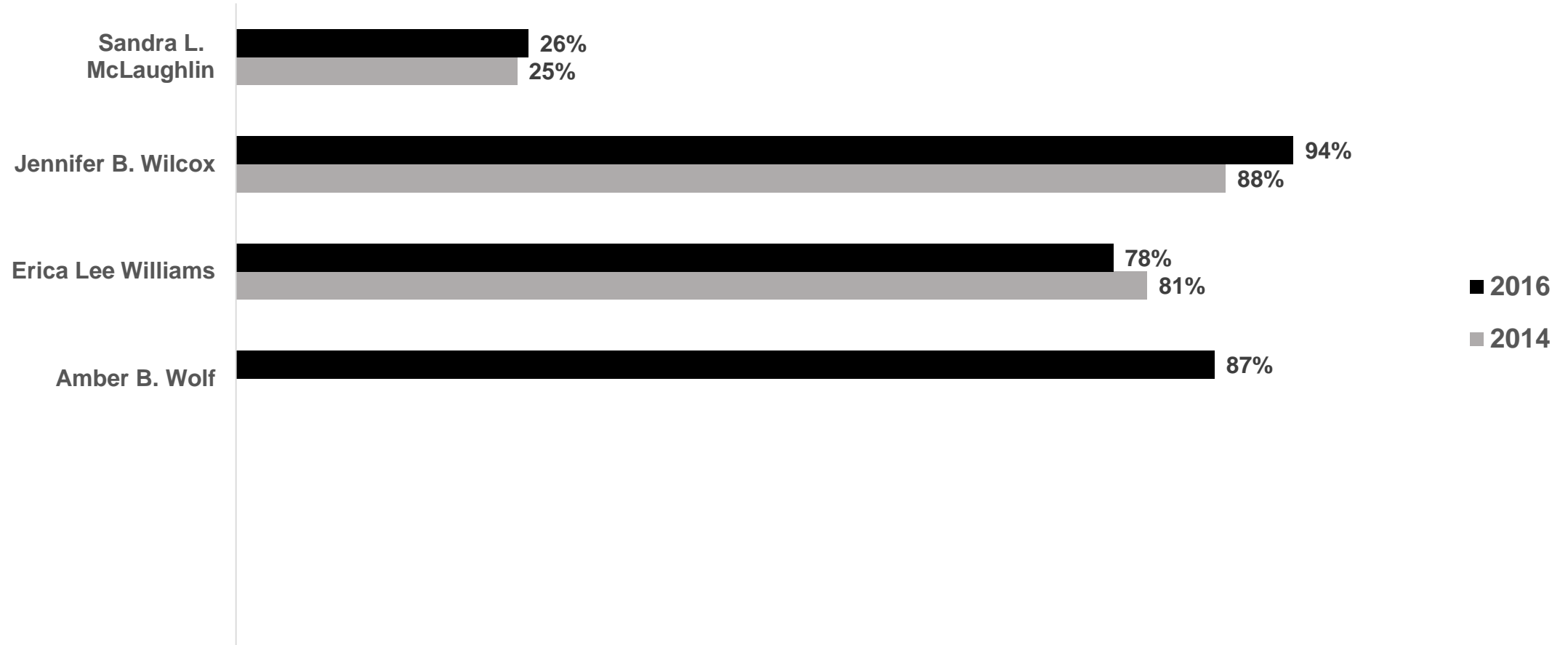
Note: Anne Watkins Delahanty not evaluated in 2014.

Criminal Cases Jefferson District Court (Continued)



Note: Louis J. "Todd" Hollenbach IV and Jennifer H. Leibson not evaluated in 2014.

Criminal Cases Jefferson District Court (Continued)



Note: Amber B. Wolf not evaluated in 2014.