

JUDICIAL MENTORING PROGRAM

Purpose

This Judicial Mentoring Program is established in order to provide judges and magistrate judges new to the Superior Court with a structured method of obtaining feedback on how they are performing at the outset of their tenure and to assist them with their earliest questions and problems. In addition it is designed to be available to judges who wish to participate at any point during their tenure on the bench.

Through such a structured mentoring program, variants of which exist in other state judicial systems, experienced judges will be able to provide direct assistance and feedback to new judges and thereby enhance both their experience and their performance on the bench.

Selection

Every new judge will select both a senior judge and an active judge to serve as mentors. The senior judge will provide courtroom observation, and the active judge will be available throughout the year as more fully described below. Each new magistrate judge will select an active magistrate judge and a senior judge as his or her mentors. It is anticipated that mentors will observe new magistrate judges in the courtroom as much as they do new judges.

To ensure compatibility, the new judge or magistrate judge is permitted to select as a mentor any active judge or magistrate judge who has served on the bench at least five years and any senior judge. Before they can be selected and assigned as mentors, judges, senior judges and magistrate judges must consent to serve as a mentor and to

participate in the training described below. New judges and magistrate judges should select mentors by the conclusion of their initial judicial training. Although this program is designed for the beginning of judicial careers, judges and magistrate judges may request mentors at any time.

Judges or magistrate judges who do *not* wish to serve as a mentor even if chosen should inform the chair of the Judicial Education and Training Committee. Otherwise they will be presumed willing to serve if asked. The Committee will keep a list of eligible mentors to pass along to incoming judges and magistrate judges.

Senior judges who wish to make themselves available as mentors and to obtain compensated time credit for mentoring should notify the chair of the Judicial Education and Training Committee and the Chief Judge that they wish to be eligible and whether they wish to obtain time credit for mentoring. Resources permitting, senior judges will receive compensated time credit for their mentoring service in a manner to be determined by the Chief Judge.

As the choice of mentors will be up to new judges and magistrate judges alone, judges, senior judges and magistrate judges making themselves available as mentors does not guarantee that they will be chosen.

Duties

Although each new judge and magistrate judge will take part in the customary, several-week judicial training program, mentors have a role to play that is separate and independent of that training. While mentors should be available to answer questions and offer advice to the new judge on specific legal issues, the scope of the mentorship is much broader and should encompass the full art and practice of judging.

There are four principal areas in which mentors will act. Mentors will (a) provide information and serve as a resource for the new judge or magistrate judge; (b) provide constructive criticism and feedback on the new judge or magistrate judge's performance through courtroom observation; (c) act as an advocate on behalf of the new judge or magistrate judge or as an intermediary between him or her and others on sensitive issues; and (d) act as a confidant concerning personal or ethical questions.

In category (a), examples of what mentors should discuss include:

- *Chambers issues: location, furnishings, special needs
- *Staffing: JAA, law clerk, interns
- *Chambers management: paper flow, relationships in chambers
- *Dealings with court personnel
- *Relations in judge's new division: other judges, role of PJ, DPJ, clerk's office
- *Judicial meetings: Board of Judges, judicial conference, judicial training
- *Leave issues, including administrative leave
- *Personnel issues, including TSP and retirement issues
- *Work habits and hours
- *Dealings with the bar, including former colleagues or partners
- *Investiture issues
- *Security
- *Media Dealings
- *Use of email and telephone
- *Dealings with the public, litigants, and attorneys who call or "visit" chambers
- *Vacations and coverage

Category (b) consists of regular courtroom observation by the mentor of the new judge or magistrate judge. Not only should the observation be regular, but it also should be extensive – *i.e.*, a full morning or afternoon in court, rather than an occasional hour. After courtroom observations, the mentor should meet with the new judge or magistrate judge and provide feedback, which should include affirmation as well as a constructive critique. Since all communication between mentors and new judges or magistrate judges is confidential, feedback should not be shared with others. The purpose is not to grade work product, but rather to assist the new judge in improving his or her performance.

In category (b), discussions should include:

- *Demeanor
- *Punctuality
- *Treatment of parties
- *Treatment of attorneys
- *Treatment of jurors
- *Efficiency of calendar management
- *Control of courtroom
- *Correctness of rulings
- *Clarity of rulings
- *Knowledge of pertinent cases, statutes, and evidentiary rules
- *Control of manner and mode of attorneys' argument
- *Tone of voice
- *Posture and facial expressions
- *Fairness
- *Absence of bias or partiality

The D.C. Bar Judicial Evaluation Committee first evaluates judges during their second year on the bench, and the majority of categories the Bar uses have been incorporated into the above list. It is important for mentors to describe the evaluation process to new judges and to explain the weight to be given such feedback. Similarly, the role of the Committee on the Selection and Tenure of Magistrate judges in evaluation and reappointment of magistrate judges should be discussed with them.

Examples of issues for advocacy in category (c), include:

- *Problems with chambers location or facilities
- *Difficulties of new staff with court personnel
- *Inadequate courtroom facilities
- *Problems with other judges or presiding judge in division
- *Issues with assignments
- *Questions about holiday or emergency judge duties

Examples of issues for the mentor as personal confidant in category (d), include:

- *Conflicts with other judges
- *Problems in transition to being a judge
- *Concerns with Tenure Commission
- *Financial or personal problems

Meetings

The mentors will separately meet at least once each week with the new judge or magistrate judge for the first three months of the mentorship. This should occur even in a week in which no courtroom observation occurs and will provide an opportunity for regular feedback and interaction between the new judge or magistrate judge and the mentor. Of course, mentors may meet more regularly with new judges and magistrate judges, and should do so as soon as practicable after courtroom observations to prevent erosion of memories and to make the lessons taught more immediate.

After the first three months, each mentor should meet at least every two weeks with the new judge or magistrate judge to discuss his or her progress and any issues that arise. Courtroom observations, although they can decline in frequency, should continue throughout the mentorship period.

All discussions between the mentor and the new judge or magistrate judge are confidential, and the mentor shall not disclose them to anyone, unless required by law or judicial ethics to do so.

Mentor Training

When selected as a mentor for the first time, a judge, senior judge or magistrate judge will receive brief training from the Judicial Education and Training Committee before beginning the mentorship. In addition, current mentors should meet several times during their mentorship with each other and a representative from the Committee to discuss various mentoring techniques and share ideas on how best to mentor new judges.

Some of the issues on which mentors will be trained include:

*The difficulty of acting in a quasi-evaluative role with a colleague;

*The distinction between simply telling new judges or magistrate judges how the mentor acts and conveying differing judicial approaches from which they may determine a best approach;

*Facilitating a new judge's or magistrate judge's ability to evaluate problems that arise and correctly resolve them;

*The importance of being available at all times, which means being open to receiving calls on the bench or at home on nights and weekends;

*The fact that the mentor's role is not merely reactive; the mentor must become proactively involved in the new judge's or magistrate judge's work world;

*Techniques to critique constructively, so that new judges and magistrate judges will feel able to raise problems and potential errors on their own;

*The confidentiality of the relationship and the fact that mentors are not deputized by the Court's judicial leadership to report on the new judge's or magistrate judge's progress; and

*The ability of mentors to model a devotion to judicial excellence and not be afraid to disclose their own mistakes, as well as reevaluate their own work.

Adoption of this program should both ease the transition of new judges to the bench and diminish the likelihood of repeated errors by new judges and magistrate judges. In addition, it will serve the salutary purposes of maintaining continuity on the court, keeping senior judges invested in the court's future, and drawing the court's judges closer in one community.

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