

Analyzing Judges' DWI Case Records for Bernalillo County Metro Court
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Overview

The NM Motor Vehicle Division captures DWI data from case records that Bernalillo County Metro Court sends to it regarding its cases, and the DWI Resource Center has analyzed that data for January 1991 through April 2002 to measure outcomes of judicial DWI actions. Two different kinds of performance were measured: Conviction rates (the proportion of DWI cases a judge handled that resulted in conviction), and Recidivism rates (the proportion of DWI cases a judge handled where the offender was subsequently re-arrested for DWI anywhere in New Mexico).

Because presumably some DWI cases by rights should be dismissed because of innocence, arrest problems, evidence weaknesses, death before trial, missing witnesses at trial, etc., a 100% conviction rate should not be expected of any judge. Likewise, some chronic offenders are likely to repeat their crimes eventually no matter what, so a 0% conviction rate should not be expected for any judge. For these reasons, judges are compared to each other in this analysis, rather than comparing them to some absolute standard. Since cases are fairly randomly signed to judges, differences from one judge to another in conviction rate or recidivism are likely due to differences in the judges' performance rather than to differences in the people before them, when large numbers of cases are considered. The analysis only considers the Metro Court judges in 1991-2002 who had large numbers of cases. There are twenty such judges.

Conviction rate rankings

Conviction rates were measured as the numbers of convictions for a judge, divided by the number of cases. Rates were measured for cases adjudicated in 1991-2002, 1997-2001, and 1999-2001. Judges with no cases from 1997-2001 were removed from the analysis. The 20 judges remaining were ranked for conviction rate, highest to lowest, for each of those three periods. Judges with no cases for 1999-2001 were not ranked for that period. The ranks were converted to percentile scores, and each judge's percentile scores were averaged to create an overall score (this overall score in effect weighs performance for recent years more than earlier years for those judges who had recent cases; this emphasizes recent performance, which is appropriate since our aim is especially to assess how judges are doing most recently). Judges were ranked 1 to 20 for this overall score, as their conviction rank; a low rank means a high conviction rate, and vice versa. The outcomes for judges' conviction rates rankings by this method:

Table 1: Judges' Rank for Conviction Rates

Judge	Conviction Rank
Ashanti, Keesha	3
Baca, Marie	10
Barnhart, Charles	11
Brown, Barbara	16
Candelaria, Neil	13
Clinton, Sandra	5
Fitzwater, Kevin	20
Gentry, Frank	1
Gomez, Theresa	9
Grant, Victoria	15
Kavanaugh, Michael	14
Kennedy, Roderick	18
Macaron, Mark	2
Martinez, Anna	19
Nakamura, Judith	7
Niemczyk, Cecelia	4
Rivera, Geraldine	17
Roberts, Donavon	12
Shapiro, Mark	8
Walton, Sharon	6

Table 2: Judge Rated Above Average for Conviction Rate (the highest five)

Judge
Gentry, Frank
Macaron, Mark
Ashanti, Keesha
Niemczyk, Cecelia
Clinton, Sandra

Table 3: Judge Rated Below Average for Conviction Rate (the lowest five)

Judge
Brown, Barbara
Rivera, Geraldine
Kennedy, Roderick
Martinez, Anna
Fitzwater, Kevin

Recidivism Rankings

An incident of recidivism is defined as a repeat subsequent DWI arrest for a person who came before a judge. Recidivism is measured as the percentage of a judges' cases where the person was rearrested after conviction within a specified time period after the conviction date. For this ranking, each judges' cases in 1991-2000 were analyzed to look for repeat arrests, after the conviction date, for the accused persons (cases in 2001 and 2002 were excluded from analysis since not enough time has passed post-adjudication to permit measuring recidivism over the periods desired). In looking for repeat arrests, all DWI arrests in New Mexico through April 2002 were included, except tribal arrests not reported to the State. Recidivism values were tallied by judge for each case year, measuring percent repeating within 12 months, within 24 months, within 36 months, within 48 months, and within 60 months.

To compile overall recidivism scores for judges, we calculated percentage of recidivism in twelve months for each judge and each year in which he/she had cases, ranking the judge's score among all judges' 12-month recidivism for that year. Those ranks were converted to percentiles for each year, and an overall rank for 12-month recidivism was then calculated by averaging the percentile rank for all the years that the judge had cases. The same process was performed for 24-month recidivism, 36-month, 48-month, and 60-months. The net result was average percentile rank for each judge for each period. In addition, an overall average of all the percentile ranks, for all years and recidivism periods, was calculated, giving a total recidivism score.

To rank judges by recidivism performance, they were ranked for total recidivism score, giving a number from one to 20, with one being lowest recidivism, and 20 highest. Table 4 shows ranks for recidivism, with lower ranks indicating less recidivism:

Table 4: Judges' Rank for Recidivism

Judge	Recidivism Rank
Ashanti, Keesha	5
Baca, Marie	13
Barnhart, Charles	12
Brown, Barbara	9
Candelaria, Neil	14
Clinton, Sandra	3
Fitzwater, Kevin	15
Gentry, Frank	6
Gomez, Theresa	17
Grant, Victoria	4
Kavanaugh, Michael	8
Kennedy, Roderick	20
Macaron, Mark	16
Martinez, Anna	2
Nakamura, Judith	1
Niemczyk, Cecelia	10
Rivera, Geraldine	11
Roberts, Donavon	7
Shapiro, Mark	19
Walton, Sharon	18

Table 5: Judges Rated Above Average for Recidivism Rate (the highest five)

Judge
Nakamura, Judith
Martinez, Anna
Clinton, Sandra
Grant, Victoria
Ashanti, Keesha

Table 6: Judges Rated Below Average for Recidivism Rate (the lowest five)

Judge
Macaron, Mark
Gomez, Theresa
Walton, Sharon
Shapiro, Mark
Kennedy, Roderick

Overall Rankings

Overall ranking scores were obtained by averaging the conviction ranking and the recidivism ranking given above, then ranking the judges by that combined score, with a rank of 1 as most favorable, 20 as least. Results are shown in Table 7:

Table 7: Overall Judge Rankings for Performance on DWI Cases

Judge	Overall Rank	Overall Rating
Ashanti, Keesha	2	Above avg.
Baca, Marie	11	Avg.
Barnhart, Charles	11	Avg.
Brown, Barbara	14	Avg.
Candelaria, Neil	16	Below avg.
Clinton, Sandra	2	Above avg.
Fitzwater, Kevin	19	Below avg.
Gentry, Frank	1	Above avg.
Gomez, Theresa	15	Avg.
Grant, Victoria	7	Avg.
Kavanaugh, Michael	10	Avg.
Kennedy, Roderick	20	Below avg.
Macaron, Mark	6	Avg.
Martinez, Anna	9	Avg.
Nakamura, Judith	2	Above avg.
Niemczyk, Cecelia	5	Above avg.
Rivera, Geraldine	18	Below avg.
Roberts, Donavon	7	Avg.
Shapiro, Mark	16	Below avg.
Walton, Sharon	13	Avg.

Table 8: Judges Rated Above Average for Overall Performance on DWI Cases (the highest five)

Judge
Gentry, Frank
Ashanti, Keesha
Clinton, Sandra
Nakamura, Judith
Niemczyk, Cecelia

Table 9: Judges Rated Below Average for Overall Performance on DWI Cases (the lowest five)

Judge
Candelaria, Neil
Shapiro, Mark
Rivera, Geraldine
Fitzwater, Kevin
Kennedy, Roderick