

## **Arizona Judicial Performance Review Process**

### **How do Arizona judges become judges? How are they evaluated?**

**Appointment:** For more than 30 years Arizona has benefitted from a judicial merit selection and retention process. Merit selection is a way of choosing judges that uses nonpartisan Judicial Nominating Commissions to investigate and evaluate applicants for judgeships. A commission submits the names of at least three highly qualified applicants to the Governor. From lists of nominees submitted by a judicial nominating commission, the Governor appoints all appellate court judges statewide and trial court judges in from counties with census populations of 250,000 or more (2016: Maricopa, Pima, and Pinal.)

Public members make up the majority of every judicial nominating commission. There are three nominating commissions - one for appellate court appointments, and two local commissions on trial court appointments in Maricopa, Pima and Pinal counties. Each commission is composed of ten public members and five attorney members, and is chaired by the Chief Justice of the Supreme Court.

Merit selection is not a system that grants lifetime judgeships. In Arizona, after an initial two-year term of office and every few years thereafter, judges appointed under merit selection are evaluated by the voters in uncontested retention election. Voters have the power to remove or retain judges during the retention elections.

**Performance & Retention:** In 1992 Arizona voters amended the state constitution to create a process for evaluating the performance of judges appointed through merit selection using input from the public to generate a judicial performance report and provide this to the voters before the state's general election.

The Commission on Judicial Performance Review ("JPR") was created to conduct this periodic performance reviews of appointed judges. The public has the key role in the performance review process. Jurors, witnesses, litigants, people who represent themselves in court, attorneys and court staff who have observed the judge at work are surveyed about the judge's performance. The JPR Commission sets standards for judicial performance and works under procedures adopted by the Supreme Court. Like the judicial nominating commissions, public members form the majority of the JPR Commission. The Commission is composed of not more than 34 members appointed by the Supreme Court who are members of the public, attorneys, and judges. The majority of the members of the Commission represent the

public and there can be no more than 7 judges and 6 attorneys on the JPR Commission.

The JPR Commission uses the public input (see list below) to decide whether each judge subject to retention election "Meets" or "Does Not Meet" judicial performance standards (see list below.) The Commission reports its decision and the information collected from the surveys in the Secretary of State Voter Information Pamphlet and on this website. Voters can use the JPR Commission's findings and data reports to decide how they will vote on each judge on the retention ballot. Thus JPR provides information for each voter to **finish the ballot**.

JPR Commission carefully considers public input to determine whether a judge or justice "Meets" or "Does Not Meet" judicial performance standards:

- Statistical reports of the survey results compared to the Threshold Standard adopted by the Commission.
- Transcribed comments from public hearings.
- Written comments from the public.
- Written or oral comments to the Commission submitted by the judge or justice being reviewed.
- Information obtained from the Commission on Judicial Conduct.
- The assignment of the judge, e.g. Civil, Criminal, Family, Juvenile, Probate, Special Assignment, Administrative.

High Judicial Performance Standards are set for Arizona's judiciary. The JPR Commission evaluates each judge up for retention election to assess the judge's:

- **Legal Ability:** Decides cases based on applicable law, demonstrating competent legal analysis.
- **Integrity:** Free from personal bias. Administers justice fairly, ethically, and uniformly.
- **Communication Skills:** Issues prompt and understandable rulings and directions.
- **Judicial Temperament:** Dignified, courteous, and patient.
- **Administrative Performance:** Manages courtroom and office effectively. Issues rulings promptly and efficiently.

Full information available at [azcourts.gov](http://azcourts.gov)