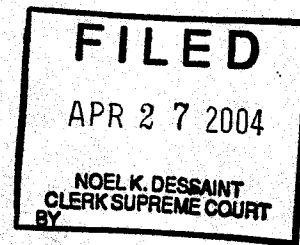


IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-03-0020



**ORDER AMENDING RULES 2 AND 6,
RULES OF PROCEDURE FOR JUDICIAL PERFORMANCE REVIEW**

IT IS ORDERED that Rules 2 and 6, Rules of Procedure for Judicial Performance Review, as amended by Order dated January 26, 2004, be amended in accordance with the attachments hereto,* effective as of June 1, 2004.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 27th day of April, 2004.

For the Court:

A handwritten signature in cursive script, reading "Charles E. Jones". The signature is written over a horizontal line.

CHARLES E. JONES
Chief Justice

* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

**RULES OF PROCEDURE FOR
JUDICIAL PERFORMANCE REVIEW
IN THE STATE OF ARIZONA
(As amended by Order dated January 26, 2004)**

* * *

Rule 2. Commission on Judicial Performance Review

A system of periodic review of the performance of each judge and justice subject to retention shall be administered by the Commission on Judicial Performance Review. The activities and operations of the Commission shall be governed by the following provisions:

(a) Composition of the Commission. The Commission shall be composed of not more than ~~30~~ 34 members appointed by the Supreme Court. The Commission shall be composed of members of the public, attorneys, judges and legislators. No more than two legislative members may be from the same political party. Legislators shall serve as advisory non-voting members and may otherwise fully participate in all commission activities. The majority of the members of the Commission shall be members of the public who are not attorneys, ~~or judges, or legislators,~~ and there shall be no more than 6 judges and 6 attorneys among the non-public, non-legislative members.

(b) Chairperson. The Chief Justice of Arizona shall select the Chairperson of the Commission. The Chairperson shall preside at all meetings of the Commission. The Chairperson shall select a Vice Chairperson who shall not be from the same member group (public, judge, or attorney) as the Chairperson.

(c) Terms. Each non-legislative member of the Commission shall serve for a term of four years and be eligible for reappointment ~~to one additional four-year term~~. In the case of a vacancy which occurs before expiration of a term, the member appointed to fill such vacancy shall serve for the duration of the unexpired term. ~~If the unexpired term served is less than 18 months, the member shall be eligible to serve two additional four-year terms. If the unexpired term served is 18 months or greater, the member shall be eligible for reappointment to one additional four-year term.~~ Legislative members shall be appointed for a term to coincide with their term of legislative office and may be reappointed if still eligible.

(d)-(j) [No change in text.]

* * *

Rule 6. Review Process; Dissemination of Findings

The review process administered by the Commission, with the assistance of the Conference Teams, shall consist of the following:

(a)-(d) [No change in text.]

(e) Reports.

(1)-(3) [No change in text.]

(4) *Report of the Commission.* In each election year, the Commission shall compile a report on the judicial performance of each judge or justice standing for retention, which shall include: a summary of the results of the survey forms as to the judge or justice; a summary of any written or oral public comments received by the Commission pursuant to Rule 2(g)(3) that the Commission deems pertinent; any biographical or other data on such judge or justice which are deemed pertinent by the Commission; the Commission's finding as to whether the judge or justice has failed to cooperate with the judicial performance review process; and the Commission's finding as to whether the judge or justice "meets" or "does not meet" judicial performance standards. The report shall be formatted in such a manner that judges whom the commission determine do not meet judicial performance standards shall be segregated and listed before those that do meet standards. Should the Commission find that a judge or justice has failed to cooperate during the judicial performance review process, the report shall identify the conduct upon which the finding is based. The Commission shall disseminate its report and, except as provided in Rule 7, any other information which the Commission deems relevant to the retention decision, to the public and the judge or justice being reviewed no earlier than the public vote and not later than the earliest date for receipt by registered voters of any requested early ballots for the general election pursuant to A.R.S. § 16-542(a). The commission's report shall be distributed to the public by publication in the secretary of state's voter information pamphlet pursuant to A.R.S. § 19-123(5), through the judicial performance review website, and by other means deemed necessary to reach voters in the state.

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