

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHMENT OF THE JUDICIAL) Administrative Order
PERFORMANCE REVIEW TASK) No. 2023 - 24
FORCE AND APPOINTMENT OF)
MEMBERS)
_____)

Article 6, Section 42, of the Arizona Constitution was adopted in 1992 and requires the supreme court to adopt and administer a process for evaluating judicial performance of all judges and justices who stand for retention. To implement this provision, the court adopted the Rules of Procedure for Judicial Performance Review (JPR) and established the Commission on Judicial Performance Review in 1993.

In addition to other duties, the Commission develops, reviews, and recommends amendments on written performance standards for approval by the supreme court. The Commission also formulates policies and procedures for collecting information and conducting reviews. The Court believes that a review and update of the JPR process is warranted.

Therefore, pursuant to Article 6, Section 3, of the Arizona Constitution,

IT IS ORDERED:

- A. ESTABLISHMENT: The Judicial Performance Review Task Force is established.
- B. PURPOSE: The Task Force shall:
 - 1. Develop recommendations to expand the judicial performance review process, including at minimum, but not limited to, the following measures:
 - a. Implementation of a process that requires further inquiry into the performance of a judge for whom survey data identifies a potential performance problem or the volume of survey questionnaires received is insufficient. Such further inquiry may involve review of the following:
 - i. Video or audio recordings of court proceedings.
 - ii. Case management data, including time standards reports, and interviews.
 - b. Implementation of a process for presiding judges of the Superior Court and chief judges of the Court of Appeals to provide the Commission on Judicial Performance Review with information on the following factors:
 - i. Whether or not the judge processes cases in a timely manner, given the judge's caseload assignment.
 - ii. Whether or not the judge interacts with other judges and the court staff in a professional manner and participates in court professional activities.

- iii. Whether or not the judge is present and available to perform judicial officer duties during court business hours.
- iv. Whether or not the judge and his or her division staff cooperate in the JPR process.
- v. Inclusion of court staff surveys in the review process.
- c. Review the current survey questions for judges and develop recommendations to improve the survey questionnaires.
- d. Develop recommendations to increase the number of completed survey questionnaires, including possible use of incentives.
- e. Examine and make recommendations on the rules governing voting and declaration of absentia votes on the part of commission members.
- f. Determine if the actual vote of the Commission should be published in lieu of a statement of “meets standards or does not meet standards.”
- g. Develop a review and reporting process that takes into account a judge newly appointed to the bench.
- h. Develop recommendations for review of judges who receive a low number of survey questionnaires.

C. REPORT AND RECOMMENDATIONS. Notwithstanding Rule 2(g)(1)(a), Rules of Procedure for Judicial Performance Review, the Task Force shall gather comments on its report and recommendations from the Commission prior to submitting them to the Supreme Court. The report to the Supreme Court shall be delivered not later than October 1, 2023.

D. MEMBERSHIP: The individuals listed in Appendix A are appointed as members of the Task Force effective immediately and ending December 31, 2023. The Chief Justice may appoint additional members as necessary.

E. MEETINGS: Task Force meetings shall be scheduled at the discretion of the Chair. All meetings shall comply with the Arizona Code of Judicial Administration § 1-202: Public Meetings.

F. STAFF: The Administrative Office of the Courts shall provide staff for the Task Force and shall assist the Task Force in developing recommendations and preparing any necessary report and petitions.

Dated this 1st day of February, 2023.

ROBERT BRUTINEL
Chief Justice

Appendix A

JUDICIAL PERFORMANCE REVIEW TASK FORCE

Chair

Honorable Robert M. Brutinel, Chief Justice
Arizona Supreme Court

Members

Mike Hellon

Chair, Commission on JPR
Public Member, Pima County

William Auther

Vice Chair, Commission on JPR
Attorney Member, Maricopa County

Honorable Randall Warner

Judge Member, Commission on JPR
Superior Court in Maricopa County

Honorable Garye L. Vasquez

Judge Member, Commission on JPR
Chief Judge, Court of Appeals, Div. 2

Honorable Kevin White

Judge Member, Commission on JPR
Superior Court in Pinal County

Sheryll Prokop

Public Member, Commission on JPR
Maricopa County

Doug Cole

Public Member, Commission on JPR
Maricopa County

Honorable Danelle Liwski

Judge Member, Commission on JPR
Assoc. Presiding Judge, Superior Court in Pima County

Kathryn Townsend

Public Member
Commission on Appellate Court Appointments

Janet Regner

Public Member, Commission on JPR
Yavapai County

Honorable Joseph Welty

Presiding Judge
Superior Court in Maricopa County

Jessica S. Sanchez

President
Arizona State Bar Association

Honorable Maurice Portley

Retired Judge
Arizona Court of Appeals, Div. 1

Honorable David Weinzweig

Judge Member, Commission on JPR
Arizona Court of Appeals, Div. 1

Andy Halaby

Attorney, Greenberg Traurig LLP
Maricopa County

The Honorable Patricia Starr

Judge
Superior Court in Maricopa County

Andy Gaona

Attorney, Coppersmith Brockelman
Maricopa County

Dominic Draye

Attorney, Greenberg Traurig LLP
Maricopa County

Honorable Dan Slayton

Judge Member, Commission on JPR
President, Arizona Judges Association
Presiding Judge, Superior Court in
Coconino County

AOC Staff

Blanca Moreno Calles, Program Manager, AOC Human Resources
Lisa Hauser, AOC Deputy Counsel, Legal Services