**EVALUATING JUDGES’ JOB PERFORMANCE: THE CONFERENCE TEAM PROCESS**

**WHAT IS MERIT SELECTION AND RETENTION?**

Merit selection is a method of choosing judges through a non-partisan commission of lawyers and non-lawyers that investigates and evaluates applicants. The commission submits the names of the most highly qualified applicants to the governor, who makes the final selection. Two-thirds of the states and the District of Columbia use some form of merit selection to choose their judges.

Once judges are appointed, they must periodically stand for retention election. Performance review is a way of evaluating the judges who seek to remain on the bench. A commission reviews the judges’ job performances to determine if they are meeting judicial performance standards. The public uses the information provided from the performance reviews during the periodic retention elections to determine if the judges should remain in office. While a number of states use some form of performance review to evaluate their judges, Arizona also requires its judges to undergo a self-evaluation process.

Merit selection has been part of Arizona’s constitution since 1974. At that time, Arizonans voted to discontinue the popular election of appellate judges, supreme court justices, and trial court judges in the most populous counties. Three judicial nominating commissions were established to screen judicial candidates for nomination to the Governor for appointment (currently the Commission on Appellate Court Appointments, and the Maricopa, Pima and Pinal County Commissions on Trial Court Appointments).

In 1992, the process was broadened by the passage of a constitutional amendment that increased the number of non-lawyer members on the nominating commissions, established the Commission on Judicial Performance Review to give the public information on the performance of judges, and opened all aspects of the process to the public, thereby benefiting the judicial system in Arizona.

**HOW IS JUDICIAL PERFORMANCE DATA COLLECTED?**

Every two years the job performance of superior court judges in Maricopa, Pima and Pinal counties is evaluated. Jurors, litigants, witnesses, persons representing themselves, and attorneys are asked to participate in this process by filling out and returning surveys on the judges with whom they have contact during a four-month survey period the year prior to the state’s next general election.

On an ongoing basis, appellate judges and justices are evaluated on written opinions by attorneys and the originating superior court or administrative judge, and by attorneys appearing before them during oral arguments.

The year during the state’s general election, Pima, Pinal and Maricopa superior court judges are evaluated through surveys sent to court staff.

Midway through their appointment, and again during the year they stand for retention, appellate judges and judges are reviewed through surveys sent to court staff, staff attorneys, and peer judges or justices.

Judges acting in administrative capacities (Chief Justice, Vice Chief Justice, Chief Judges, Vice Chief Judges, Presiding Judges and Associate Presiding Judges) are evaluated through surveys sent to all parties having contact with the administrative judge during the survey period.
The JPR Commission also accepts oral and written communications regarding the judges and justices.

**WHAT IS A CONFERENCE TEAM?**

Arizona’s retention process includes a second important component, self-evaluation. Midway through a judge’s term in office, and again prior to a retention election, a judge meets with a three-member team, called a “Conference Team.” Conference Teams are composed of one public volunteer, one attorney volunteer, and one judge volunteer.

**WHAT DOES THE CONFERENCE TEAM DO?**

Prior to meeting with the Conference Team, each judge or justice is required to complete a self-evaluation which reflects his or her perception of his or her performance as to each judicial performance criterion used in the various surveys distributed during the performance review. The self-evaluation, together with the data reports and comments received during the performance review, are reviewed by the Conference Teams prior to meeting with their assigned judges.

At a meeting between the three members of the Conference Team and the judge or justice, aspects of the judge’s or justice’s performance that may need improvement are identified. Additionally, the Conference Team assists the judge or justice in developing self-improvement plans and goals for the coming review period.

At the completion of the meeting, the judge or justice and Conference Team prepare a written plan called a “Conference Team Report.”

**HOW IS THE CONFERENCE TEAM INFORMATION USED?**

Neither the Conference Team Report nor the Self-Improvement Plan is distributed to the JPR Commission for use in its deliberations. The report and plan are distributed only to the judges’ Presiding Judge or Chief Judge, and to the Chief Justice. Redacted information is given to the Judicial Education Commission for its use in planning judicial education programs.

**WHAT QUALIFICATIONS ARE DESIRED IN A CONFERENCE TEAM MEMBER?**

Conference Team members shall have outstanding competence and reputation and be sensitive to the needs of and held in high esteem by the communities they serve. The persons appointed shall reflect, to the extent possible, the geographic, ethnic, racial and gender diversity of those communities. Competence and diversity among the members will enhance fairness and public confidence in the judicial performance review process.

**HIGH STANDARDS ARE SET FOR ARIZONA’S JUDICIARY**

Judges should:

- administer justice fairly, ethically, uniformly, promptly and efficiently;
- be free from personal bias when making decisions and decide cases based on the proper application of law;
- issue prompt rulings that can be understood and make decisions that demonstrate competent legal analysis;
- act with dignity, courtesy and patience; and
- effectively manage their courtrooms and the administrative responsibilities of their office.

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