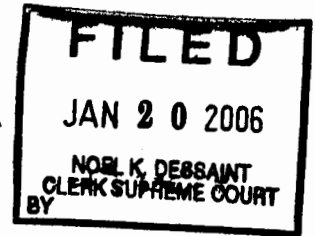


IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-05-0011



ORDER AMENDING RULES 2, 5, AND 6,
RULES OF PROCEDURE FOR
JUDICIAL PERFORMANCE REVIEW

IT IS ORDERED that Rules 2, 5, and 6, Rules of Procedure for Judicial Performance Review, be amended in accordance with the attachment hereto,* effective as of June 1, 2006.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 20th day of January, 2006.

For the Court:



RUTH V. MCGREGOR
Chief Justice

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

RULES OF PROCEDURE FOR JUDICIAL PERFORMANCE REVIEW

* * *

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)-(c) [No change in text.]

(d) Meetings; Quorum; Majority. The Commission shall meet at the call of the Chairperson not less than two times each year and shall conduct no business except upon the attendance of a quorum of the commission members. A quorum is constituted by $1/2 + 1$ of the total Commission membership in office at the time of the meeting and eligible to vote. Members shall be permitted to attend and participate in meetings by telephone or video-conference. All meetings shall be open to the public except as provided in paragraph (e) below. ~~All actions shall require a majority vote of those present and voting, except for the finding as to whether a judge or justice meets judicial performance standards, which shall require a majority vote of the total Commission membership, and except as provided in paragraph (e) below. Except as~~ otherwise provided by these rules and Rule 6(e)(3), all actions shall require a majority vote of $1/2 + 1$ of those present and eligible to vote.

(e) Executive Session. The Commission shall meet in executive session with respect to any agenda item which would involve disclosure of matters made confidential by these rules, any other court rules, or by law. In addition, in order to promote open and frank discussion and accuracy in the performance evaluation process, the Commission shall meet in executive session at the time of: (1) discussion (not including voting) of the Commission's finding as to whether a judge or justice "meets" or "does not meet" judicial performance standards; (2) presentation and discussion of a judge's or justice's written comment submitted in response to a finding that the judge or justice "does not meet" judicial performance standards; and (3) a judge's or justice's appearance before the Commission, provided, however, that an executive session in which a judge or justice appears shall be held prior to the public vote meeting. The Commission may meet in executive session at any other time upon a majority vote of the Commission members then in attendance. The substance of deliberations in executive session shall not be disclosed. All voting shall be in public session.

(f) [No change in text.]

(g) Powers and Duties of the Commission. The powers and duties of the Commission shall be as follows subject to approval by the Supreme Court:

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

(3) To request public comment and hold public hearings on the performance of all judges and justices subject to retention at announced times prior to the public vote meeting. Public comment by anyone other than a member of the Commission regarding a judge or justice under review shall be prohibited at the public vote meeting.

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

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Rule 5. General Provisions

The following general provisions shall govern the activities and operations of the Commission and the Conference Teams:

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

(c) Impartiality.

(1) [No change in text.]

(2) A Commissioner or Conference Team member shall disclose to the Commission any relationship with a reviewed judge or justice (business, personal, attorney-client) or any other cause for conflict of interest, bias or prejudice. A Commissioner or Conference Team member is disqualified from taking any action with respect to a judge who is a family member within the third degree of consanguinity. A judge member of the Commission shall not be eligible to vote in the determination of whether the judge member meets or does not meet judicial performance standards. The voter information pamphlet shall reference when a judge member was ineligible to vote with respect to the judge's own performance or that of a family member within the third degree of consanguinity.

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

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

(d) Public Comment and Hearings. In each election year prior to the public vote meeting, the Commission shall request written public comments and hold public hearings with respect to judges or justices standing for retention. The public hearings shall be recorded. The names and addresses of the speakers shall be required in order to speak. Written comments will not be considered unless legible and unless the name and address of the author is included. Telephone numbers, day and evening, are requested. Comments of the public shall be considered by the Commission in formulating its findings as to whether the judge or justice meets judicial performance standards.

(e) Reports.

(1) [No change in text.]

(2) *Written Notice.* A written notice shall be submitted to any judge or justice standing for retention who has a score in any category designated by the Commission that does not meet the threshold standard adopted by the Commission. The judge or justice shall have the right to submit written comments thereon to the Commission ~~or~~ and to appear and be heard by the Commission at a date and time set by the Commission prior to the public vote, pursuant to Rule 2(e).

(3) *Public Vote.* Except as otherwise provided by these rules and Rule 2(d), ~~in~~ each election year, the commission shall vote in a public meeting on whether a judge or justice who is standing for retention "meets" or "does not meet" judicial performance standards. A commissioner may vote in person, by telephone, by video-conference, or by written ballot.

(4) [No change in text.]

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