

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHMENT OF A COMMITTEE) Administrative Order
ON RULES OF PROCEDURE FOR) No. 2005- 64
JUDICIAL PERFORMANCE REVIEW)

In accordance with Article 6, Section 42 of the Arizona Constitution, the Supreme Court has established Rules of Procedure for Judicial Performance Review (JPR) in the State of Arizona. The Commission on Judicial Performance Review was established in 1993 to conduct the JPR process. Although the Commission and program enjoy widespread support, some members of the public, judiciary, bar and legislature have expressed concerns about the rules, policies and practices of the Commission. In response to those concerns, the Commission examined its procedures, and two petitions have been filed with the Supreme Court to amend the Rules of Procedure for Judicial Performance Review. One petition (R-05-0011) was filed on behalf of the entire JPR Commission, and the other petition (R-05-0014) was filed by a group of Commission members acting as individual judges, lawyers and members of the public. Before acting on those petitions and to ensure that adequate opportunity for public comment is provided, the Supreme Court agreed that the Chief Justice would appoint a committee to conduct hearings and receive comments pursuant to Rule 28(E), Rules of the Supreme Court, regarding proposed amendments to the Rules of Procedure for Judicial Performance Review.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that a Committee on Rules of Procedure for Judicial Performance Review is established pursuant to Rule 28(E), Rules of the Supreme Court, regarding amendments to the Rules of Procedure for Judicial Performance Review as follows:

1. PURPOSE:

The Committee shall conduct public hearings and receive comments regarding the petitions and comments that have been filed in response to R-05-0011 and R-05-0014. The Committee may identify other areas of interest with the rules and invite comments on those areas. The public should be afforded reasonable opportunity to offer comments and make proposals regarding the rules. The Committee may make such recommendations as it deems appropriate.

The Committee is directed, at a minimum, to give attention to the following areas:

1. Are the voting standards and procedures used by the Commission to determine whether

judges and justices meet judicial performance standards informative and appropriate?

2. Would a multi-tiered system of voting provide additional useful information to voters to make their retention decisions?
3. What additional information do voters want to assist them in making their retention decisions?
4. Should the Commission receive information about judges and justices in addition to that provided by the JPR process?
5. Other areas the Committee deems necessary to complete its work.

2. MEMBERSHIP:

The Chief Justice shall appoint the Committee members and the chairperson. The membership of the Committee is attached as Appendix A.

3. PUBLIC HEARINGS AND MEETINGS:

Public hearings and meetings shall be scheduled at the discretion of the Committee chairperson. All public hearings and meetings shall comply with the Open Meeting Policy of the Arizona Judicial Department.

4. REPORTS:

The Committee shall submit a report of its findings and make any recommendations to the Court by December 1, 2005.

5. STAFF:

The Administrative Office of the Courts shall provide staff for the Committee.

IT IS FURTHER ORDERED that the Honorable Charles E. Jones, a retired Justice of the Arizona Supreme Court, is appointed to serve as chairperson of the Committee.

Dated this 12th day of September, 2005.

FOR THE COURT:

RUTH V. MCGREGOR
Chief Justice

APPENDIX A

COMMITTEE ON RULES OF PROCEDURE FOR JUDICIAL PERFORMANCE REVIEW

Hon. Charles E. Jones, Retired Justice
Chairperson

Honorable Deborah Bernini
Judicial Member

José A. Cárdenas
Attorney Member

Karen A. Duffy
Public Member

Honorable Pendleton Gaines
Judicial Member

Mike Hellon
Public Member

Margaret C. Kenski
Public Member

Rick Naimark
Public Member

Honorable John Pelander
Judicial Member

Susan Taylor-Rosepink
Public Member

Dev K. Sethi
Attorney Member

Pamela A. Treadwell-Rubin
Attorney Member

Charles W. Wirken
Attorney Member