

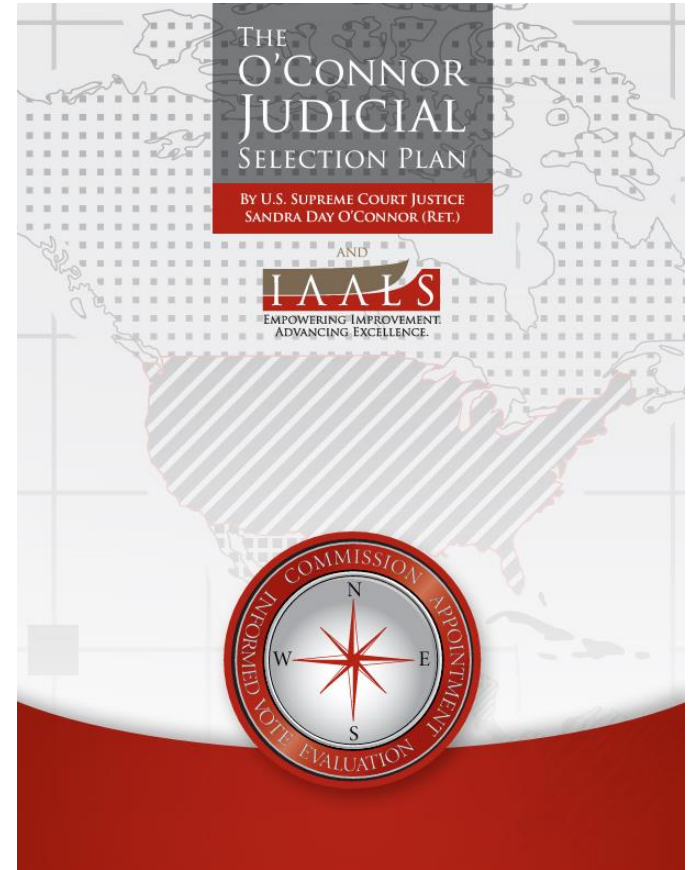


INSTITUTE *for the* ADVANCEMENT  
*of the* AMERICAN LEGAL SYSTEM

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**CEO, IAALS**

# JUDICIAL PERFORMANCE EVALUATION IN CONTEXT

- Judicial nominating commission
- Gubernatorial appointment
- Judicial performance evaluation
- Retention elections



# THE ROLE AND IMPORTANCE OF JUDICIAL PERFORMANCE EVALUATION

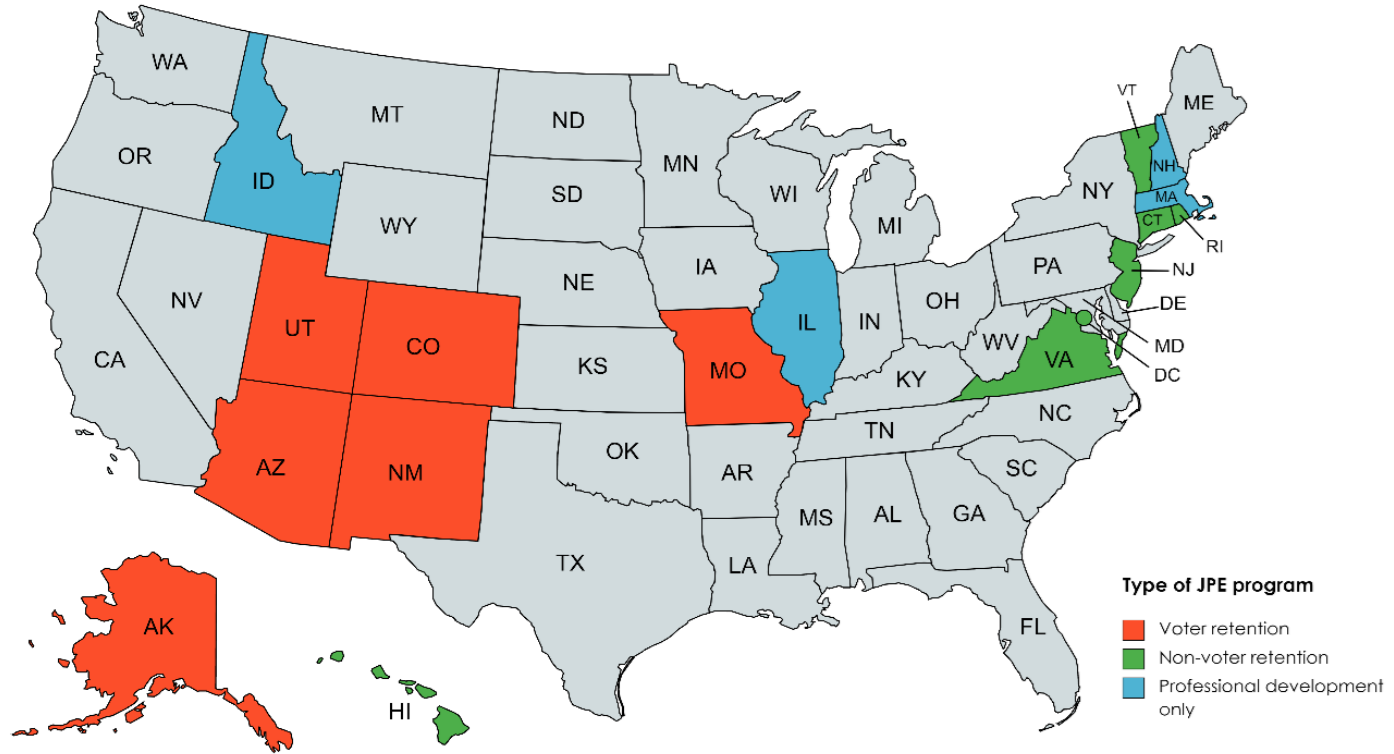
- Opportunity to hold judges accountable for on-the-job performance
- Robust evaluation serves to educate judges about ways in which their performance may be wanting to support improved performance
- Provides meaningful information to voters, governors, and legislators in deciding whether to retain or reappoint judges



# TYPES OF OFFICIAL JPE PROGRAMS

- Voter retention
- Non-voter retention
- Professional development only

# OFFICIAL JPE PROGRAMS



# JPE FOR VOTER RETENTION

Associated with “merit selection” systems

Key features:

- Evaluation conducted by commission
- Results transmitted to voters
- High levels of transparency

# JPE FOR NON-VOTER RETENTION

Associated with legislative or commission-based selection systems

Key features include:

- Evaluation conducted by staff or small committee
- Results transmitted to decisionmakers
- Typically less transparency



# JPE FOR PROFESSIONAL DEVELOPMENT ONLY

Associated with “life appointment” or election states

Key features include:

- Evaluations assembled by staff
- Results transmitted only to judge and limited others
- Relatively low transparency

# PERFORMANCE EVALUATION CRITERIA

Supported by 2005 ABA Guidelines

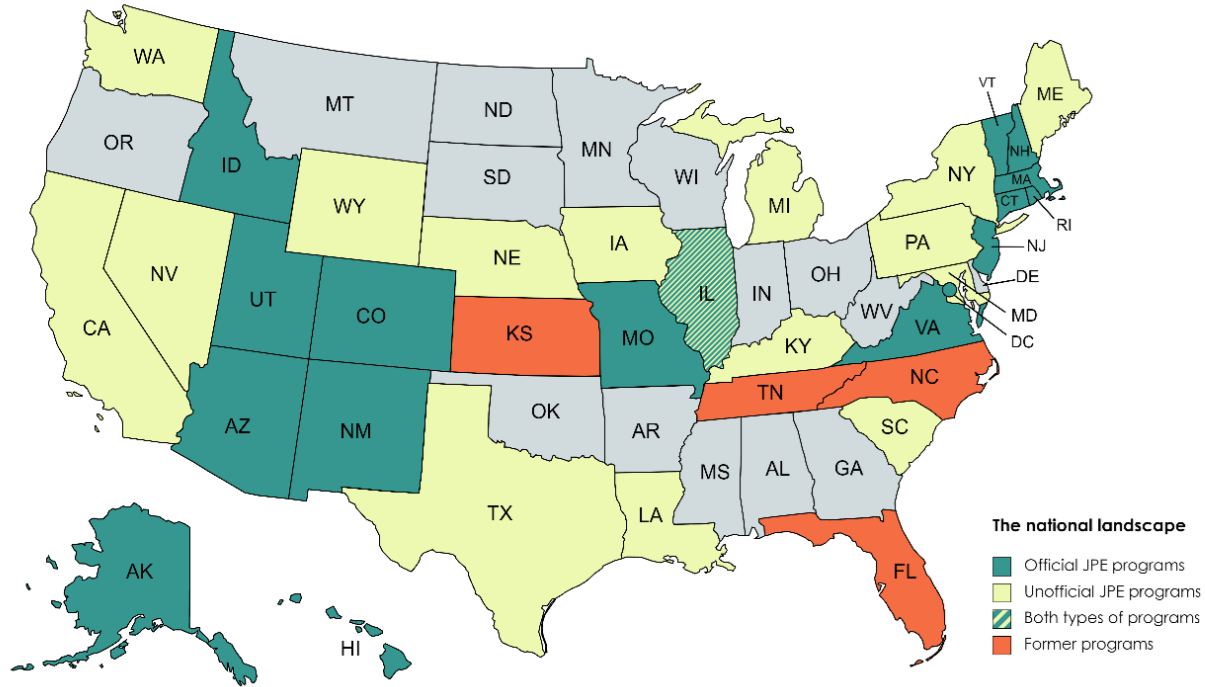
- Legal knowledge
- Impartiality
- Communication skills
- Judicial demeanor
- Administrative capacity
- Community involvement

# PERFORMANCE EVALUATION TOOLS

- Surveys
- Case management data
- Courtroom observation
- Review of written opinions and orders
- Interviews with evaluated judges
- Self-evaluation
- Public comments

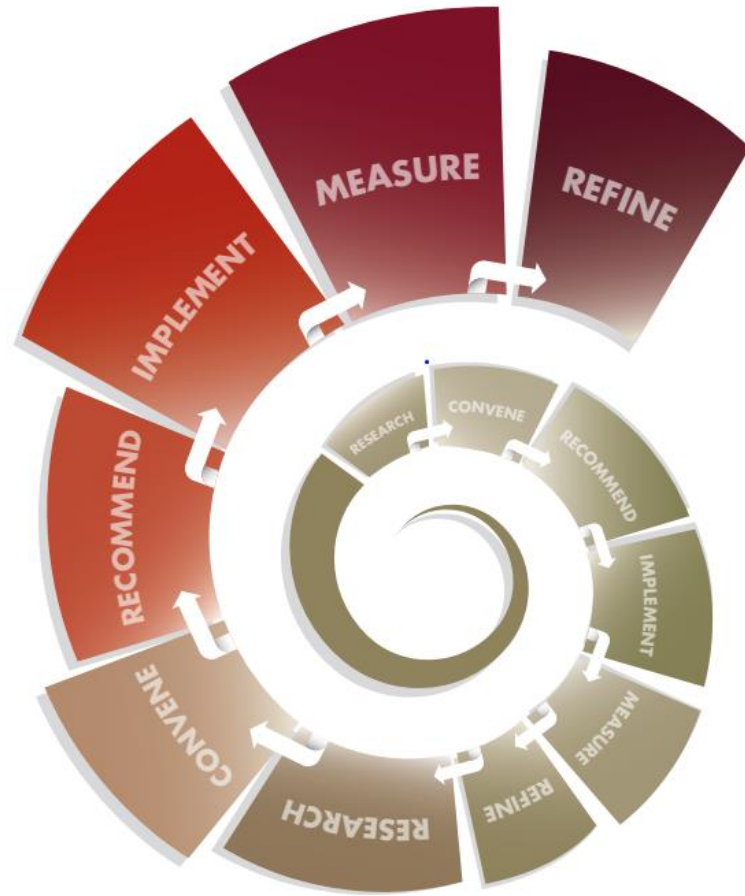


# JPE OVER THE YEARS











- **Task Force**
- Research
- Convening
- Recommendations
- Implementation





## TASK FORCE

Expertise across states:

- Barbara Arnold, New Mexico
- Susanne DiPietro, Alaska
- Farrah Fite, Missouri
- Michael Oki, Hawaii
- Jordan Singer, New England Law | Boston
- Kent Wagner, Colorado
- Jennifer Yim, Utah



- Task Force
- **Research**
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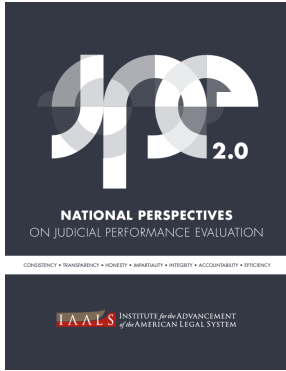


## STATE SURVEY

- 8 Participating States
- Survey Development
- Survey Distribution
- In the Field: December 2021-February 2022

# National Perspectives on Judicial Performance Evaluation

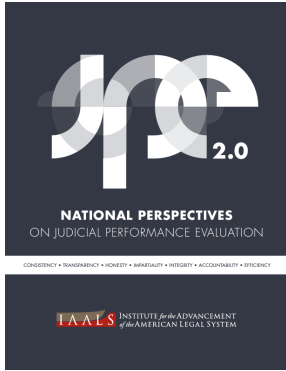




## KEY FINDINGS

On the whole, survey responses reflect that judges largely have positive attitudes towards JPE in their states.

- They are satisfied with their state's JPE process;
- The JPE process is beneficial to their professional development;
- The JPE process assesses their performance fairly; and
- Their final evaluation reports provide an accurate assessment of their performance.



## KEY FINDINGS

Judges also expressed concerns regarding the process and areas for improvement.

- Fear and stress surrounding the process
- Gender and racial bias impacting results
- Inability of judges to provide responses or context to comments
- Lack of public awareness of JPE
- Negative effects on judicial independence



- Task Force
- Research
- **Convening**
- Recommendations
- Implementation

# Convening Perspectives on Judicial Performance Evaluation







- Task Force
- Research
- Convening
- **Recommendations**
- Implementation



## UPCOMING RECOMMENDATIONS

- Urge states to modernize and improve processes
- Improve availability and accuracy of information produced through programs
- Improve transparency, both with respect to the process and with respect to the dissemination of performance evaluations
- Improve JPE data, including by promoting the use of new and more accurate data collection methods
- Adopt approaches that promote and support judicial performance improvement in addition to the goal of accountability



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Thank you  
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