

## Legislative Considerations for a Montana Judicial Performance Evaluation Bill

Prepared for the Senate Select Committee of Judicial Oversight and Reform

By Rachel Weiss, July 29, 2024

### Background

At the July 15 meeting, the Senate Select Committee on Judicial Oversight and Reform (SJOR) requested staff create draft legislation to enact a judicial performance evaluation (JPE) system in Montana. The committee indicated that using Utah's JPE system as a model would be the starting point.

### Bill Draft Considerations

While the Utah JPE system provides a framework for a potential bill, there are several key questions that the committee should consider and answer to provide Montana-specific details for the first draft. In addition to the [Utah draft language](#), an [overview table of JPE systems in other states](#) will prove helpful as SJOR members provide instruction.

- **What courts should be included in the JPE bill?**
  - Supreme Court justices
  - District Court judges
  - The chief water judge and associate water judge
  - Courts of Limited Jurisdiction including
    - Justice Courts
    - City Courts
    - Municipal Courts
  - Workers' Compensation Court judge
  
- **How many members should sit on the Judicial Performance Evaluation Commission and who should appoint them?**
  
- **Where should the commission be located (or administratively attached)?**
  
- **What is the timing of the evaluations?**
  - Set time around elections or appointments
  - Random
  
- **Should the evaluations be disseminated publicly?**