

NOTES ON UTAH'S JUDICIAL PERFORMANCE EVALUATION COMMISSION

GENERAL

The [legislation](#) establishing Utah's Judicial Performance Evaluation Commission ([JPEC](#)) was passed in 2008, but the first evaluation did not take place until 2012. There were many factors involved in the startup of the commission, including the development of surveys, the establishment of processes for data collection and analysis, and public outreach to name a few. The JPEC is housed within Utah's Executive Branch and works to maintain a positive relationship with other branches of government.

BUDGET AND STAFFING

The JPEC's budget is approximately \$660,000 each year, most of which is personnel costs. The commission employs four staff:

- **Executive Director** (full-time)
- **Business Analyst** (full-time), who manages the commission's website, all judges' data, and public outreach.
- **Qualitative Analyst** (full-time), who manages the evaluation of basic and mid-level judges (part-time judges in rural areas) and evaluates all qualitative data (comments from those surveyed). This position was originally contracted out but is now handled in-house.
- **Courtroom Observation Supervisor** (part-time), who also performs statistical analysis.

SURVEYS

The JPEC outsources the administration of its surveys through a 5-year, \$250,000 contract with the University of New Hampshire.

- Utah previously utilized a research company, [Market Decisions](#), which is also used in Colorado. Alaska and Arizona both contract with local universities.
- Jurors are surveyed on an ongoing basis, while attorneys, court staff, and others in the courtroom are surveyed every odd-numbered year.

EVALUATIONS

This year, Utah's JPEC evaluated approximately 100 judges, including the 51 on the ballot plus additional midterm judges. The time required to complete an evaluation varies depending on the data received and the nature of the issues raised by commissioners. Additionally, judges are not evaluated in totality at one time.

ADDITIONAL CONSIDERATIONS

Pursuant to Utah's statute, [78A-12-204\(9\)\(b\)\(ii\)](#), the JPEC executive director is required to withhold from the commission any survey comments that violate employment law. This would apply to any comments that speak to a judge's qualifications relative to age, sex, or other protected class. In Utah, these comments are reviewed by an employment law specialist in the attorney general's office and, if applicable, withheld from the commission.