

# OVERVIEW OF EXISTING APPELLATE JPE PROGRAMS

## ALASKA

**Commission.** The Alaska Judicial Council (AJC) administers the JPE program. The AJC consists of seven members—three attorneys appointed by the Alaska Bar Association, three non-attorneys appointed by the Governor with legislative confirmation, and the Chief Justice, who serves as the chair. The six non-judicial members serve staggered, six-year terms. Members must come from different parts of the state and are appointed without regard to political affiliation.

**Criteria.** The AJC evaluates judges based on five criteria, including legal ability, impartiality, integrity, temperament, and diligence.

**Data collection.** The AJC surveys active and inactive members of the Alaska Bar Association and court employees. The AJC also interviews evaluated judges, examines recusal and peremptory challenge records, and sends questionnaires to counsel who participated in significant cases identified by the judge during the review period. In addition, the AJC holds public hearings on judges standing for retention to solicit citizen input.

**Dissemination.** A summary of evaluation results and a retention recommendation for each judge are included in the Lieutenant Governor’s Official Election Pamphlet. Detailed evaluation results are posted on the AJC’s website.

**Website.** <http://www.ajc.state.ak.us/retention/retent.html>

## ARIZONA

**Commission.** The Commission on Judicial Performance Review consists of 30 members, including 18 public members, six attorneys, and six judges. All members are appointed by the Supreme Court and serve staggered, four-year terms. The Chief Justice appoints the commission chair.

**Criteria.** Judges are evaluated in five categories, including legal ability, integrity, communication skills, judicial temperament, and administrative performance.

**Data collection.** Surveys are distributed to attorneys and other judges. The commission holds public hearings on judges in election years and accepts written comments from the public at any time. Judges also complete a self-evaluation form.

**Dissemination.** The commission votes in a public meeting on whether each judge “Meets” or “Does Not Meet” judicial performance standards. This determination, along with the evaluation results, is included in the Secretary of State’s Voter Information Pamphlet.

**Website.** <http://www.azjudges.info/>

## COLORADO

**Commission.** The State Commission on Judicial Performance has 10 members, six of whom must be non-attorneys and four of whom must be attorneys. The Governor and the Chief Justice each appoint one attorney member and two non-attorney members, and the Speaker of the House and President of the Senate each appoint one attorney member and one non-attorney member. Commission members serve staggered, four-year terms.

**Criteria.** Judges are evaluated on six criteria, including integrity, legal knowledge, communication skills, judicial temperament, administrative performance, and service to the legal profession and the public.

**Data collection.** Surveys are sent to attorneys, court staff, other appellate judges, and district judges. The commission also considers judges' self-evaluations, courtroom observation by commission members, case management data, interviews with judges, and reviews of decisions/opinions.

**Dissemination.** Mid-term evaluations are for self-improvement. For end-of-term evaluations, the commission provides survey results and a narrative for each judge, as well as a recommendation as to whether the judge should be retained. The narratives, which offer a summary of survey results, are included in a voter guide (the Colorado Blue Book). Narratives, survey results without the confidential comments, and interim survey results without the confidential comments are also posted on the Office of Judicial Performance Evaluation's website.

**Website.** <http://www.coloradojudicialperformance.gov/>

## DISTRICT OF COLUMBIA

**Commission.** The Commission on Judicial Disabilities and Tenure consists of five members and three alternate members appointed by the President, the Commissioner of the District of Columbia (Mayor), and the Chief Judge of the U.S. District Court for the District of Columbia. Members serve staggered, six-year terms.

**Criteria.** Candidates for reappointment are evaluated on their work product, legal scholarship, dedication, efficiency, and demeanor. Retired judges seeking senior status are evaluated on their physical and mental fitness and ability to perform judicial duties.

**Data collection.** Each candidate for reappointment or senior status submits a written statement reviewing the significant aspects of his or her judicial activities that may be helpful to the Commission in its evaluation, along with illustrative materials. The Commission may also accept and seek pertinent information from the bar, other judges, court staff, and members of the lay public, and convene a conference with the candidate.

**Dissemination.** Evaluation reports for reappointment candidates are submitted to the President, the candidate, and the public.

**Website.** <http://cjdt.dc.gov/>

## FLORIDA

**Scope.** The Supreme Court and the Florida Bar offer a voluntary, confidential judicial feedback program for appellate judges.

**Commission.** The Florida Bar Judicial Administration and Evaluation Committee works with the Supreme Court to offer a voluntary, confidential judicial feedback program.

**Criteria.** Attorneys are asked about judges' questioning, professional conduct, knowledge of the case, and opinions.

**Data collection.** Attorneys may complete and mail feedback forms to the Florida Bar or complete feedback forms online.

**Dissemination.** Feedback is only provided to the judge to whom the feedback pertains.

**Website.**

<http://www.floridabar.org/DIVEXE/BD/CMStanding.nsf/2021e58ed0c7505585256e45004b060d/ac08d41e165ed93285256eda0067b316!OpenDocument>

## HAWAII

**Commission.** The Judicial Performance Committee oversees the evaluation process and consists of thirteen members, all appointed by the Chief Justice. The Judicial Evaluation Review Panel consists of nine members, including former judges, members of the public knowledgeable in the law, and retired practitioners who consult with evaluated judges about their evaluations.

**Criteria.** Attorneys rate appellate judges on aspects of their fairness/impartiality, written opinions, and oral argument.

**Data collection.** Surveys are sent to attorneys who have appeared before judges on substantive matters. The number of surveys for each judge does not exceed 150.

**Dissemination.** Individual evaluation results are confidential and are provided only to the evaluated judge, the Chief Justice, and the Judicial Evaluation Review Panel. A summary evaluation report for each court is made public.

**Website.**

[http://www.courts.state.hi.us/courts/performance\\_review/judicial\\_performance\\_review.html](http://www.courts.state.hi.us/courts/performance_review/judicial_performance_review.html)

## MISSOURI

**Commission.** The Appellate Judicial Performance Evaluation Committee consists of six attorneys and six non-attorneys who serve staggered, six-year terms. Members are appointed by the Missouri Bar, based on nominations from regional bar associations, members of the Board of Governors, and non-attorney citizens.

**Criteria.** Judges are evaluated according to the following performance standards: deciding cases based on established facts and applicable law, explaining decisions clearly, exhibiting proper courtroom demeanor, and deciding cases promptly.

**Data collection.** Evaluations are based on attorney surveys, the committee's review of five written opinions, public comment, personal observation of judges in the courtroom and/or interviews with the judge, and a peer review survey completed by other judges on the same court.

**Dissemination.** Evaluation results are posted on the Missouri Bar's website.

**Website.** <http://www.showmecourts.org/>

## NEW HAMPSHIRE

**Commission.** There is no commission. Evaluations are conducted through the Administrative Office of the Courts (AOC).

**Criteria.** Justices' performance is evaluated on a scale ranging from excellent to deficient.

**Data collection.** The AOC surveys attorneys, law professors, self-represented litigants, and judges/marital masters.

**Dissemination.** The AOC only makes public summary results for the court.

**Website.** <http://www.courts.state.nh.us/sitewidelinks/evaluations.htm>

## NEW MEXICO

**Commission.** The Judicial Performance Evaluation Commission (JPEC) consists of seven attorneys and eight non-attorneys, who are appointed by the Supreme Court from nominations by the Governor, Chief Justice, Speaker of the House, Senate President Pro Tempore, House Minority Leader, Senate Minority Leader, and President of the State Bar.

**Criteria.** Judges are evaluated in four areas, including legal ability, fairness, communication skills, and preparation, attentiveness, temperament, and control over proceedings.

**Data collection.** The JPEC surveys attorneys with whom judges have had direct interaction, current and former law clerks, court staff, trial court judges whose decisions have been appealed, and fellow judges. The JPEC also conducts a review of appellate opinions.

**Dissemination.** For judges standing for retention, a summary of each judge's overall performance and a retention recommendation are posted on the JPEC website and published in a "Report to Voters," which is released to the media and voters. Midterm evaluations are for self-improvement only and are confidential.

**Website.** <http://www.nmjpec.org/>

## TENNESSEE

**Commission.** The Judicial Performance Evaluation Commission (JPEC) consists of nine members, including two each appointed by the Speaker of the House and the Speaker of the Senate, and five appointed by the Judicial Council. Gender and racial balance is required by law.

**Criteria.** Judges are evaluated based on six criteria, including integrity, knowledge and understanding of the law, ability to communicate, preparation and attentiveness, service to the profession, and effectiveness in working with other judges and court personnel.

**Data collection.** The JPEC surveys attorneys, court personnel, trial court judges, and other appellate judges. The commission also considers written opinions, a self-evaluation, caseload and workload statistics, and any public input that may have been received, and it conducts a formal interview with each judge.

**Dissemination.** The JPEC publishes a Tennessee Appellate Judges Evaluation Report that for each judge includes a recommendation as to whether the judge should be retained or replaced, a short biography, a descriptive summary of survey results, and the commission's impressions from the interview, along with a response by the judge.

**Website.**

<http://www.tncourts.gov/boards-commissions/boards-commissions/judicial-performance-evaluation-commission>

## UTAH

**Commission.** The Judicial Performance Evaluation Commission (JPEC) consists of thirteen members, no more than seven of whom may be attorneys. The President of the Senate and the Speaker of the House of Representatives each appoint two members; the Governor and the Supreme Court each appoint four members; and the Executive Director of the Commission on Criminal and Juvenile Justice is an ex officio member. No more than half of the members appointed by each branch of government may be of the same political party. Members serve staggered, four-year terms.

**Criteria.** Survey respondents evaluate judges in three areas: legal ability, integrity and judicial temperament, and administrative ability.

**Data collection.** The JPEC surveys attorneys and court staff. The commission also ensures compliance with disciplinary standards, case-under-advisement time standards, and education standards, and encourages public comment.

**Dissemination.** For each judge standing for retention, the JPEC posts on its website a final evaluation report, including a retention recommendation supported by a commission vote. Interim evaluations are shared with the evaluated judge and with court administrators for judicial education and self-improvement purposes.

**Website.** <http://www.judges.utah.gov/>