

**Office of the State Court Administrator**

SB08-054

**Commissions on Judicial Performance/Office of Judicial Performance Evaluation
By Senator Shaffer and Representative T. Carroll**

- Colorado's Judicial Performance program was one of the first programs of its kind in the nation and **stands alone as one of the best in the country**. Judicial Performance evaluation is "important not only to measure performance and determine which judges shall stay in office but also because it has a most salutary effect in **fixing accountability and helping to ensure better judicial performance.**"¹
- The Judicial Performance Statute is set to expire in 2009. SB 08-054 would reauthorize this statute and provide for enhancements to the current system.
- This bill is a product of several public meetings with input from various interested community organizations, legal organizations and citizens. This group was convened at the request of Chief Justice Mullarkey and chaired by Senator Brandon Shaffer and Representative Terrance Carroll.
- The bill makes the following changes to the strengthen the program:

-Requires the State Commission to Better Inform the Public and Legislature

The Office would be required to expand public education efforts, measure the success of such efforts, and provide a detailed report to the General Assembly every election cycle.

-Re-names the Program the Office of Judicial Performance Evaluation, Strengthens the Independence of the Program from the Judicial Branch/State Court Administrator

The bill: (1) creates the Office of Judicial Performance evaluation; (2) allows the Office to act as staff for the local commissions instead of the current judicial staff; and, (3) requires commissioners to recuse themselves from evaluating a person who appointed them to the commission.

-Makes the Process More Transparent

(1) Implements a notice and comment period for enactment of rules governing the commissions' evaluation process; (2) requires a full report each election cycle, including number of judges not standing for retention.

-Strengthens the Independence of Local Commissions, Preserves Local Character of Program

Prevents the State Commission from enacting rules that limit the discretion of commissioners to vote based on all of the information before the local commission.

-Strengthens Interim Evaluation Process, Adds Flexibility

Requires an interim evaluation of every judge or justice, expands the thoroughness of interim evaluations, and allows for State Commission discretion on when to conduct interim evaluations in light of limited resources.

-Removes Magistrates from the Statute, Leaves Such Evaluation to Chief Judges

Magistrates are employees of the Judicial Branch, and as such evaluation information is not required by voters.

-Strengthens and Further Clarifies Criteria for Evaluation of Judges and Justices

Specific, detailed, and uniform criteria were added to the statute to enhance the quality of evaluations.

¹ Pelander, John. *Judicial Performance Review in Arizona: Goals, Practical Effects and Concerns*. 30 ARIZ. ST. L.J. 643, 648 (1998) (citation omitted).