

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA COUNTY**

IN THE MATTER OF JUDICIAL PERFORMANCE)
REVIEW FOR COMMISSIONERS (JPR))
_____)

ADMINISTRATIVE ORDER
No. 2010-103

WHEREAS, A.R.S. §12-119.04 provides for the evaluation of Superior Court Commissioners, and requires the Supreme Court to adopt and administer the process under 17A A.R.S. Sup.Ct.Rules, Rule 97, and

WHEREAS, the Superior Court of Arizona in Maricopa County is also governed by rules and standards for fairness, impartiality, efficiency, and competency (See Judicial Code of Conduct, Code of Conduct for Employees, and Trial Court Performance Standards), and

WHEREAS, the Court continually seeks to ensure that these standards are being met and seeks for avenues of improvement,

Accordingly,

IT IS ORDERED:

1. Every Commissioner shall participate in the Judicial Performance Review (JPR) every even numbered-year for sixty business days.
2. To ensure consistent administration of the survey, all Commissioners, staff and administrative staff are required to attend training regarding JPR in every even-numbered year.
3. The trial court administrator shall provide for surveys and confidential and secure compilation of survey results for judicial performance survey of Commissioners in even-numbered years under a procedure approved by the Presiding Judge. If a Commissioner hears more than one type of calendar, he/she shall participate in the public survey on each calendar. The JPR surveys will include all parties directly involved in a criminal, family, juvenile, probate, civil, tax, mental health case or lower court appeal.

The survey respondents include: litigants, attorneys, witnesses, empanelled jurors, victims, parents (in juvenile and probate matters) and any other person directly participating in a court hearing.

The survey will be distributed to the following staff: 1) probation officers that regularly interact with the commissioner 2) commissioner's staff 3) administrative staff that regularly work with the commissioner 4) department administrators 5) court reporters 6) court interpreters 7) courtroom clerks 8) caseworkers that regularly work with the commissioner, 9) child appointed special advocates (CASA) that have direct contact with the commissioner, and 10) guardians ad litem (GAL) that have direct contact with the commissioner will complete the attorney survey.

Participants in telephonic hearings will participate in the survey.

4. The survey will not include court observers and spectators, jurors not selected for duty, criminal defendants at their initial appearance court date, and or any person under the age of 18.
5. As peer review and self-improvement, the Commissioners shall meet with a Conference Team consisting of the Presiding Judge of the department in which they sit or designee, another Judge or Commissioner of the Superior Court selected by the Presiding Judge, and a public member or lawyer designated by the Presiding Judge. The completed conference report will be confidential. If the peer review committee deems the survey results statistically insufficient, the peer review team may review FTR video or audio recordings.
6. During each survey period the Presiding Judge shall request written public comments and hold a public hearing with respect to all Commissioners. The public hearing shall be recorded. The names and addresses of the speakers shall be required in order to speak. Written comments will not be considered unless legible, and unless the name and address of the author is included.
7. The judicial performance survey results shall be transmitted to the Supreme Court by October 1 of even-numbered years and disseminated to the public through the Supreme Court website. The results shall include: the survey data results as to the Commissioner; any biographical or other information on such Commissioner deemed pertinent by the Presiding Judge; and, if applicable, a finding as to whether the Commissioner could not be reviewed during the evaluation process. Should the Presiding Judge find that a Commissioner could not be reviewed during the evaluation process, the report shall identify the circumstances upon which that finding is based.
8. Effective September 30, 2010, replacing the administrative process outlined in Administrative Order 2007-132 with this administrative order.

IT IS FURTHER ORDERED that this Administrative Order expires automatically without further Order on a date ten (10) years from the date of issuance in accordance with Arizona Administrative Code, Section 3-402(C), unless sooner modified, amended or replaced.

DATED this 28th day of September, 2010.

Norman J. Davis
Presiding Judge

Original: Clerk of the Superior Court

Copies: Judges of the Superior Court
Commissioners of Superior Court
Marcus Reinkensmeyer, Judicial Branch Administrator
Philip Hanley, Human Resources Director
Phil Knox, General Jurisdiction Court Administrator
Lori Ash, General Counsel