

1 ~~Rule 3-111.05. Evaluation and certification of senior judges.~~

2 Intent:

3 ~~To establish a performance evaluation program for active senior judges.~~

4 Applicability:

5 ~~This rule shall apply to the Judicial Council and to active senior judges of courts of~~
6 ~~record.~~

7 Statement of the Rule:

8 ~~(1) Criteria of performance. Active senior judges shall be evaluated and certified~~
9 ~~using the performance criteria in Rule 3-111.02.~~

10 ~~(2) Evaluation information. The evaluation and certification shall be based upon~~
11 ~~performance during the senior judge's current term of office. The following information~~
12 ~~shall be used:~~

13 ~~(2)(A) Survey of attorneys.~~

14 ~~(2)(A)(i) The Council shall measure performance by a survey of the attorneys~~
15 ~~appearing before the senior judge. The survey shall provide the opportunity for the~~
16 ~~respondent to comment to the Council.~~

17 ~~(2)(A)(ii) The survey shall be administered by the Surveyor.~~

18 ~~(2)(A)(iii) The Administrative Office of the Courts shall identify as potential~~
19 ~~respondents all lawyers who have appeared before the senior judge at a hearing or trial~~
20 ~~during the senior judge's current term. The senior judge shall not review the list of~~
21 ~~potential respondents. The Surveyor shall identify 180 respondents or all the attorneys~~
22 ~~appearing before the senior judge whichever is less.~~

23 ~~(2)(A)(iv) The Surveyor shall report to the Council the number and percentage of~~
24 ~~respondents for each of the possible responses on each question.~~

25 ~~(2)(B) Survey of presiding judges and court staff. The Council shall measure~~
26 ~~performance by a survey of all presiding judges and trial court executives of districts in~~
27 ~~which the judge has been assigned. The Administrative Office of the Courts shall~~
28 ~~distribute survey forms with instructions to return completed surveys to the Surveyor.~~

29 ~~(2)(C) The Surveyor shall provide the Council with a report of all survey responses~~
30 ~~for the senior judge's current term.~~

31 ~~(3) Standards of performance.~~

32 ~~(3)(A) Surveys. The Judicial Council shall determine whether the senior judge's~~
33 ~~scores reported on the surveys are satisfactory.~~

34 ~~(3)(B) Cases under advisement. The Council shall measure satisfactory~~
35 ~~performance by the self-declaration of the senior judge or by review of the records of~~
36 ~~the court. The senior judge shall demonstrate satisfactory performance by complying~~
37 ~~with the cases under advisement standard in Rule 3-111.03 for the court in which the~~
38 ~~judge has been assigned.~~

39 ~~(3)(C) Compliance with education standards. Satisfactory performance is~~
40 ~~established if the senior judge meets the minimum education requirements established~~
41 ~~by this Code subject to the availability of in-state education programs. The Council shall~~
42 ~~measure satisfactory performance during the current term by the self-declaration of the~~
43 ~~senior judge or by review of records of the state court administrator.~~

44 ~~(3)(D) Substantial compliance with Code of Judicial Conduct. Satisfactory~~
45 ~~performance is established if the response of the senior judge demonstrates substantial~~
46 ~~compliance with the Code of Judicial Conduct and if the Council finds the responsive~~
47 ~~information to be complete and correct.~~

48 ~~(3)(E) Physical and mental competence. Satisfactory performance is established if~~
49 ~~the response of the senior judge demonstrates physical and mental competence to~~
50 ~~serve in office and if the Council finds the responsive information to be complete and~~
51 ~~correct. The Council may request a statement by an examining physician.~~

52 ~~(4)(A) Judicial Council action. Upon application for appointment under Rule 11-201,~~
53 ~~the Administrative Office of the Courts shall provide to the Judicial Council the~~
54 ~~information submitted by the senior judge as well as survey scores and any other~~
55 ~~relevant information to the Council. The information provided to the Council shall be~~
56 ~~provided to the senior judge prior to consideration by the Council. After considering all~~
57 ~~information, the Council may certify to the Supreme Court that the applicant meets the~~
58 ~~qualifications for being an active senior judge or withhold decision until after meeting~~
59 ~~with the judge.~~

60 ~~(4)(B) At the request of the Council the senior judge shall meet with the Council. The~~
61 ~~Administrative Office of the Courts shall deliver to the senior judge being evaluated~~
62 ~~notice of the Council's action and any records not already delivered to the senior judge.~~

63 ~~The notice shall contain an adequate description of the reasons the Council has~~
64 ~~withheld its decision and the date by which the senior judge is to deliver written~~
65 ~~materials. The Administrative Office of the Courts shall deliver copies of all materials to~~
66 ~~the Council and to the senior judge prior to the meeting.~~

67 ~~(4)(C) At the meeting in a session closed in accordance with Rule 2-103, the Council~~
68 ~~shall provide to the senior judge adequate time to present evidence and arguments in~~
69 ~~favor of certification. Any member of the Council may present evidence and arguments~~
70 ~~of which the judge has had notice opposed to certification. The Council may determine~~
71 ~~the order of presentation.~~

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