

Act Establishing a Montana Judicial Performance Evaluation System and Commission

Section 1: Title

Section 2: Definitions sections Defines:

- Commission
- Court Administrator
- Defines does not meet or exceed minimum performance Standards.
- Judge
- Meets or exceeds minimum performance standards.

Section 3: Commission make up (11 members)

- Appointments (a maximum of 5 of the 11 will be members of the bar)
 - Three members appointed by the Speaker (including one member of the state bar)
 - Three members appointed by the President (including one member of the state bar)
 - Three members appointed by the Governor (including one member of the state bar)
 - Two members appointed by the MT Supreme Court (including one member of the state bar)
- Speaker and President must confer to assure one of their appointments is a judge)
- Sitting legislators and sitting judge may not be a member of the commission.
- Seven members constitute a quorum (5 members are needed to rate a judge)
- The Commission will recommend to the legislature a budget.

Section 4: Expenses and Salaries

- Commission may hire and executive Director and employees (with approval of the legislature)
- Commission is attached to Dept. of Administration

Section 5: Judicial Performance Evaluations

- Evaluations take place two times in a judge's term (3rd and 5th for District and 3rd and 7th for supreme court)
- Subsection outlines considerations for evaluations
 - Most recent third-party evaluations (see section six)
 - Courtroom observations (process determined by rules)
 - Disciplinary record of the judges
 - Public Comment solicited by the Commission.
 - Other factors considered relevant by the Commission.
 - Five members are needed to determine judge meets or does not meet minimum performance standards.
 - Judge not meeting standards may address the Commission with a response.
 - Dealing with MSC public sanctions of a judge after reports are issued but before Voter Information Pamphlet is issued.
 - Midterm evaluations are primarily for judicial self-improvement.