

## **Merit Selection of Judges Info Sheet**

### **Background**

- The Arizona Constitution, as stipulated in Article 6, §40, allows for counties with a population under 250,000 persons to choose to select its judges of the superior court as if it had a population of 250,000 or more persons.
- When a county's population exceeds 250,000 as documented by the U.S. Census, that county automatically enters the merit selection system. Only Maricopa, Pima and Pinal counties exceed that population threshold.
- Other counties may choose to adopt merit selection by popular vote. Coconino County chose to invoke this article of the Constitution and the voters elected to change from a partisan election of superior court judges to a merit selection and judicial retention election of superior court judges.
- Currently, all other Superior Court Judges in Arizona are elected in a partisan primary, then rarely face an opponent in general elections.

### **What is Merit Selection?**

<https://youtu.be/bZtu-R41PA8>

- A system to incorporate public involvement, transparency and accountability.
- Involves the public in selecting well-qualified judges who are committed to fairly applying the law.
- When judicial vacancy occurs, the position is publicly announced and interested lawyers are invited to apply.
- Lengthy applications describe candidate's education, professional experience and other qualifications
- Applications are posted on a court website for public review and comment
- Applications are then considered by a 16 person, nonpartisan judicial-nominating commission- *to be formed if voter approval of process.*
- Commission is composed of ten public members and five attorney members, and is chaired by the Chief Justice of the Supreme Court.
- The appointment of commission members originates from each county supervisor's selection of a seven-person search committee.
- Commission must include people from different political parties and geographic areas from each county supervisor's district.
- Commission reviews, interviews selected candidates, then sends list to governor which must include at least three nominees, and no more than two can be from same political party

- The interview process for each judicial nominee is open to the public.
- Governor appoints one of the nominees from the list to fill a judicial vacancy and must consider the county's diversity in that appointment.
- The system aims to identify well-qualified people for appointment.
- Public input in ensuring the quality of our judiciary does not end once a judge is appointed.
- All merit-selected judges are subject to Judicial Performance Review (JPR), which the voters established in 1992.
- Current sitting judges would be grand-fathered in. If they wished to remain on the bench they would be subject to Judicial Performance Review (JPR commission) and file a notice of the intent to be retained. They would not go through a selection process.

### **What is Judicial Performance Review?**

<https://www.youtube.com/watch?v=A6r1eQNzT58>

- People who have appeared before judges are invited to complete written surveys on different aspects of judicial performance.
- The surveys are sent not only to lawyers, but also to litigants, witnesses, jurors, court staff and other judges.
- The responses are compiled and reviewed by a 34-person JPR commission, which includes 21 public members who are neither judges nor lawyers.
- The JPR commission solicits other public input and, after public meetings, considers whether judges meet judicial performance standards.
- At the general election, the voters decide whether appellate judges will retain their offices for another six-year term and trial judges for another four-year term.
- The JPR commission's reports on whether judges meet the performance standards, as well as summaries of the survey results, are included in the Arizona Secretary of State's Office's publicity pamphlet for the election.
- This pamphlet is mailed to households that have one or more registered voters.

### **Additional Information:**

Azcourts.gov Arizona Judicial Branch/Judicial Nominating Commissions

[www.azcourts.gov/jnc/](http://www.azcourts.gov/jnc/)