

S.B. 105

JUDICIAL PERFORMANCE EVALUATION COMMISSION

SENATE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 4, 2008 10:34 AM

Senator **D. Chris Buttars** proposes the following amendments:

1. Page 20, Line 615 through Page 21, Line 617:

615 (c) The commission may elect to make no recommendation on whether the voters
616 should retain a judge if the commission determines that the information concerning the judge is
617 { ~~not sufficiently clear~~ } insufficient to make a recommendation.

2. Page 21, Lines 618 through 621:

618 (d) (i) If the commission deviates from a presumption for or against recommending the
619 voters retain a judge or elects to make no recommendation on whether the voters should retain
620 a judge, the commission shall provide a detailed explanation of the reason for that deviation or
621 election in the commission's report under Section 78-63-206.

(ii) If the commission makes no recommendation because of a tie vote, the commission shall note that fact in the commission's report.

3. Page 22, Line 665:

665 (iv) grasp of the practical impact on the parties of the judge's rulings , including the effect of
delay and increased litigation expense ;

4. Page 23, Lines 679 through 681:

679 ~~{ (8) The survey shall also include a question that inquires whether the respondent would~~
680 ~~recommend that the judge be retained. }~~

681 ~~{ (9) }~~ (8) (a) If the commission determines that a certain survey question or topic is not

5. Page 23, Lines 687 through 688:

687 ~~{ (10) With the exception of the question concerning whether a respondent would~~
688 ~~recommend that the judge be retained, the }~~ (9) The survey shall allow respondents to indicate
responses

6. Page 23, Line 694:

694 ~~{ (11) }~~ (10) The commission shall compile and make available to each judge that judge's

7. Page 23, Line 696:

696 ~~{(12)}~~ (11) The commission may make rules in accordance with Title 63, Chapter 46a, Utah

8. Page 23, Lines 704 through 708:

704 (b) the judge receive a minimum score on the judicial performance survey as follows:

705 (i) an average score of at least a 3.0 on at least 80% of the questions, excluding litigant

706 and witness respondents, for questions scored on the numerical scale; and

707 (ii) {affirmative responses by at least 70% of respondents, excluding litigant and witness

708 respondents, to all questions that do not use the numerical scale} if the commission includes a question on the survey that does not use the numerical scale, the commission shall establish the minimum performance standard for all questions, excluding any question to litigant and witness respondents, that do not use the numerical scale to be substantially equivalent to the standard required under Subsection (1)(b)(i) .

9. Page 25, Lines 744 through 746:

744 (c) information concerning any formal or informal discipline against a judge that is not

745 subject to restrictions on disclosure under Title {78} 78A .Chapter {8} 11 .Judicial Conduct
Commission

746 {and Supreme Court Oversight of Judges} ;