

FINAL 7-25-08

## **When You Vote in Judicial Retention Elections, Make an Informed Decision**

By Felix Briones, Jr.

Chair, New Mexico Judicial Performance Evaluation Commission

This year has been hailed as historical in terms of national politics, but it is also historical in terms of New Mexico judicial retention elections. This year, voters will decide whether one Supreme Court Justice, one judge on the Court of Appeals, and as many as 76 district court judges spread throughout 12 of New Mexico's 13 judicial districts should remain on the bench.

When evaluating most candidates running for office, you can listen to their speeches, attend their debates, check out their websites or even read the mail they send to your home.

What about the judges who have already won a partisan election and are not running against another candidate? Under our state's Constitution, these judges are standing for retention and must receive 57 percent voter approval to remain on the bench. If you've never met them or been in their courtroom, how can you make a decision about whether they deserve your approval? Where do you go to find out more about them?

The New Mexico Judicial Performance Evaluation Commission (JPEC) was created to help. In 1997, the New Mexico Supreme Court created JPEC as a nonpartisan volunteer commission, in part, to provide useful, credible information to voters regarding justices' and judges' performance so that they can make informed decisions.

This year is particularly important because of the role District Courts play and the number of district judges being evaluated. Of the 88 full-time district court judges in New Mexico, JPEC will make recommendations to voters on whether to retain more than four-fifths of them.

The District Court is a trial court of general jurisdiction and plays a vital role in communities. Judges on the District Court hear cases involving juveniles, domestic relations and criminal and civil cases that are not excluded by the state's Constitution or by law.

JPEC uses an objective, carefully-monitored process to evaluate justices and judges in four main areas:

- 1) legal ability
- 2) fairness
- 3) communication skills
- 4) preparation, attentiveness, temperament and control over proceedings

We do not base our evaluations on specific opinions or rulings issued by the justice or

judge. A review of opinions or rulings is the responsibility of the appellate courts. Instead, we focus on an overall evaluation of the justice's or judge's performance on the bench.

Confidential surveys are distributed by an independent research firm to those individuals who have had direct contact or interaction with the justice or judge being evaluated. In the case of appellate court judges (Supreme Court and Court of Appeals) this group includes attorneys with direct experience, fellow appellate judges, trial court judges whose cases have been appealed, court staff, and current and former law clerks. In the case of District Court judges, this group includes lawyers who have had direct interaction with the judge, jurors, court staff and resource personnel such as law enforcement, probation officers, psychologists, adult and juvenile probation/parole officers, citizen review volunteers, social workers, and others.

In addition, we also conduct confidential, one-on-one interviews with each judge or justice being evaluated to review survey results and his or her self-assessment of performance.

Once the evaluation is completed, we make one of four recommendations to voters:

- 1) **Retain** – Recommend voting to retain judge
- 2) **Do Not Retain** – Recommend voting against retaining judge
- 3) **No Opinion** – Not enough information available to make a recommendation
- 4) **Insufficient Time In Current Time to Evaluate** – Judge has not served at least two years in current position

By law, we are required to disseminate our recommendations to voters at least 45 days before the general election. This year, we will publish our recommendations on our website and through a *Judicial Retention Report to Voters* in newspapers statewide. Our recommendations will be available to the public beginning **September 18, 2008**.

Absentee voting begins October 7, 2008. Early voting begins October 18, 2008 and Election Day is November 4, 2008.

JPEC believes that judges and justices must be accountable to you, the voters, for doing a good job. We also believe that you, as voters, should have reliable, unbiased, accurate information upon which to make your decision about whether to retain them.

Your vote does count, and we encourage you to do your part in improving our judiciary by making your voice heard.

For more information, you can visit our website, [www.nmjpec.org](http://www.nmjpec.org) or call Louise Baca-Sena at the Administrative Office of the Courts (505) 827-4960.

---

Felix Briones, Jr., is a Farmington attorney who serves as chair of JPEC. He has been a member of JPEC since 1997 and has practiced law since 1959.