

Public employees have long been subject to performance reviews that evaluate how well they are performing their jobs. But can judges, public employees who literally hold the power of life and death in their hands, be assessed in the same way? New research from North Carolina State University and East Carolina University shows that there is an effective way to evaluate judges, which benefits both the public and the judges themselves.

"Judicial independence and accountability are key to a sound judicial branch," says Dr. Rick Kearney, co-author of the study and director of NC State's School of Public and International Affairs. "And the judicial performance evaluation (JPE) system makes judges accountable, without affecting judicial independence."

The JPE system is a "360 degree review, providing a medley of evaluations from people who have direct dealings with a judge - including their superiors, their employees and other judges," Kearney explains. The JPE, which is performed by an impartial state commission, provides subjective feedback, which can identify perceived problems with a judge, such as sexism, racism or poor case management. But it also provides objective data that can be used to identify inefficiencies or questionable legal reasoning - such as the number of cases a judge has overturned on appeal and the length of time that passes between a case being heard in the courtroom and a decision being issued. Currently, 20 states have adopted the JPE system to review some or all of their judges.

"We wanted to evaluate the efficacy of the JPE system due to growing interest among states, including North Carolina, that are considering adopting JPE protocols,"

Kearney says. The researchers analyzed data from the six states that are recognized as running model JPE programs: Arizona, Colorado, New Mexico, Tennessee, Utah and Alaska. Kearney co-authored the study with Dr. Sharon Paynter, an assistant professor of political science at East Carolina University.

"We found that, at least in these states, the JPE is a good way to assess the performance of judges," Kearney says. A good JPE program has multiple benefits, Kearney explains. For example, in states that elect judges, it helps voters make educated decisions at the ballot box. It also gives judges feedback that they can use to improve their case management and performance.

"The JPE approach hasn't been adopted in more states largely because of resistance from judges themselves," Kearney says. "For example, we found there is growing support for JPE in the North Carolina legal community, but there is a lack of support from state judicial leaders. Without promotion of the idea from these leaders, it is unlikely to move forward. However, we also found that in states that have implemented JPE, judges became comfortable with the system once they were familiar with it.

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