

HB 1130-FN - AS INTRODUCED

2026 SESSION

26-2280
09/08

HOUSE BILL ***1130-FN***
AN ACT relative to judicial performance evaluations.
SPONSORS: Rep. Lynn, Rock. 17; Rep. Korzen, Coos 7
COMMITTEE: Judiciary

ANALYSIS

This bill revises the process for the evaluation of judicial officers.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to judicial performance evaluations.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Judicial Performance Evaluations. Amend RSA 490:32 to read as follows:

2 490:32 Judicial Performance Evaluations.

3 I. The chief justice and a majority of the supreme court, in consultation with the
4 administrative judges of the superior and circuit courts [~~and other nonjudicial branch officers as~~
5 ~~established by court rule~~], shall design and implement by court rule, a program for **judicial**
6 performance evaluation of [~~judges~~] **judicial officers (the "JPE program")**. The sole purpose of
7 [~~this~~] **the JPE** program shall be the improvement of the performance of individual judges and of the
8 judiciary as a whole. [~~Notwithstanding any law to the contrary, all information compiled through~~
9 ~~this program shall be confidential, except as otherwise provided in this section.~~] **For purposes of**
10 **this section, "judicial officer" includes any full or part-time judge, whether active or senior**
11 **status, or judicial referee of the superior or circuit courts.**

12 II.(a) The **JPE** program [~~for performance evaluation~~] shall be as [~~inclusive~~] **comprehensive**
13 as practicable and shall include, but shall not be limited to: [~~a questionnaire, to be designed by the~~
14 ~~supreme court, and a self-evaluation form to be completed by the judge. The supreme court shall~~
15 ~~strive to achieve uniformity among court evaluation questionnaires, recognizing that the~~
16 ~~questionnaires for each court may differ due to the jurisdiction of the courts.~~]

- 17 (1) **Questionnaires;**
- 18 (2) **Self-evaluation;**
- 19 (3) **In-court observations of the judicial officer; and**
- 20 (4) **Statistical analysis of case processing time.**

21 (b) Questionnaires shall be available to attorneys, parties, witnesses, jurors, court
22 personnel, and others who have appeared before a judge during the evaluation period, for the
23 purpose of evaluating the performance of the judge. The questionnaire shall include, but shall not be
24 limited to, questions [~~relative~~] **relating** to the judge's performance, temperament and demeanor,
25 judicial management skills, legal knowledge, attentiveness, bias and objectivity, and degree of
26 preparedness. Completed **questionnaires shall be signed and submitted to the JPE program**
27 [~~forms shall be returned to the administrative judge, unsigned, within 30 days of issuance. All~~
28 ~~responses shall remain confidential~~]. **The JPE program shall anonymize and compile the**
29 **questionnaire results, the self-evaluation, results of in-court observations of the judicial**
30 **officer, analyze the case processing statistics, and shall compile such information into a**
31 **performance evaluation report for each judicial officer.**

1 III. The *JPE* program ~~[for performance evaluation]~~ shall ensure that each ~~[judge]~~ **judicial**
 2 **officer** is evaluated a minimum of once every 3 years. If a ~~[judge]~~ **judicial officer** fails to achieve
 3 an overall satisfactory judicial evaluation, a follow-up evaluation shall be conducted in ~~[18]~~ **12**
 4 months.

5 IV. The chief justice of the supreme court shall evaluate the administrative judges of the
 6 superior and circuit courts.

7 V.~~(a)~~ The chief justice and a majority of the supreme court, in consultation with the
 8 administrative judges of the superior and circuit courts, shall establish judicial evaluation
 9 standards, and shall design or determine appropriate ~~[programs]~~ **interventions** for judges who need
 10 improvement in achieving the judicial evaluation standards. The supreme court shall establish
 11 disciplinary rules and may initiate disciplinary action when ~~[appropriate]~~ **a judicial officer fails**
 12 **to achieve an overall satisfactory judicial evaluation during 2 consecutive evaluations.** ~~[If~~
 13 ~~a judge fails to achieve an overall satisfactory judicial evaluation in the second of 2 consecutive~~
 14 ~~evaluations, or purposely fails to complete assigned programs, the judge's right to confidentiality~~
 15 ~~shall be waived.~~

16 ~~(b) Upon consideration of nomination for another judicial appointment, a judge's~~
 17 ~~evaluations shall be made available to the governor upon request. Upon nomination, such~~
 18 ~~evaluations shall be made available to the executive council upon request. The contents of such~~
 19 ~~evaluations shall be kept in strict confidence by the governor and executive council except as~~
 20 ~~otherwise provided in this section.~~

21 ~~(c)~~ Judicial performance evaluations shall be retained by the judicial branch for the
 22 duration of the judge's tenure.

23 VI. The *JPE program shall publish the performance evaluation report for each*
 24 *judicial officer evaluated* ~~[supreme court shall prepare a report on the implementation of the~~
 25 ~~performance evaluation program described in this section within one year of the effective date of this~~
 26 ~~section and submit such report to the governor, the speaker of the house, the president of the senate,~~
 27 ~~and the chairpersons of the house and senate judiciary committees. Such report shall be made~~
 28 ~~available to the public]. The supreme court shall annually file a report on the evaluation process,~~
 29 including, but not limited to, the number of evaluations performed by each court, the percentage of
 30 responses received, and a summary of the overall evaluation results and all actions taken to correct
 31 inadequacies and deficiencies. The annual report shall be submitted on or before June 30 of each
 32 year to the governor, the speaker of the house, the president of the senate, and the chairpersons of
 33 the house and senate judiciary committees. Such report shall be made available to the public.

34 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1130-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to judicial performance evaluations.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$160,000 to \$180,000	\$160,000 to \$180,000	\$160,000 to \$180,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill revises the process for the evaluation of judicial officers under RSA 490:32. It expands the definition of “judicial officer” to include senior status, retired, and part-time judges; requires in-court observation and additional statistical reporting as part of the evaluation process; and directs that individual evaluation results be made public.

The Judicial Branch states this bill will increase state general fund expenditures by more than \$160,000 per fiscal year beginning in FY 2027.

The Branch assumes approximately 30 judicial officers will be evaluated each year and that retired judges will be hired on a per-diem basis to conduct required in-court observations. The current daily rate for a per-diem judge is \$764. If each evaluation requires one day of observation and one day for reporting, the cost would be approximately \$45,840 annually ($\$764 \times 2 \text{ days} \times 30 \text{ officers}$). However, the amount of observation days that would be involved has not been determined so the cost for utilization of retired judges could range between \$45,000 and \$60,000 per a year starting in FY 2027.

In addition, the Branch anticipates hiring one full-time administrative staff member to manage the expanded evaluation process at an estimated cost of \$112,787 in FY 2027, \$114,272 in FY 2028, and \$118,557 in FY 2029, this includes expenses associated with the positions.

The Judicial Branch notes that its existing operating budget cannot absorb these additional expenditures and that the bill does not provide additional funding.

AGENCIES CONTACTED:

Judicial Branch