

HB 1189

House Judiciary Committee January 29, 2025 Testimony of Sally Holewa State Court Administrator

Chair Klemin and members of the committee, for the record, my name is Sally Holewa. I am the state court administrator.

In 2003, the North Dakota Supreme Court established the North Dakota Judicial Improvement Program. This is a mandatory self-improvement program which requires every new district court judge and supreme court justice to participate in the program once during their first two years on the bench and then once per term following each election. District court referees are appointed by the presiding judge of the district rather than elected. They are required to participate in the program once during their first two years on the bench and then once during every four years they are employed as a referee. A judicial officer may request to participate in the process more frequently than the minimum requirement.

Under the program, a standard survey is released to North Dakota attorneys through the listserv maintained by the State Bar Association of North Dakota and another survey is sent to all court personnel who regularly work with the judicial officer. Results of the surveys are summarized and a report is sent to the individual who the judicial officer has selected as their reviewer. The reviewer then meets personally with the judicial officer to discuss the results and to provide guidance and practical advice if there are areas where improvement is needed.

The primary intent behind this program is to give judicial officers candid feedback in their early years on the bench so they have a chance to self-correct any behaviors that are problematic and improve their job performance. The requirement for continued performance evaluations is to catch emerging issues before they can become serious issues.

Publishing the results of the surveys would gut the purpose of the survey and, in my opinion, lead to both fewer responses and less candid responses. With fewer individuals who can legitimately assess the judge's work performance holding back comments or not responding at all, a judge loses the opportunity to understand how they are being perceived, what they are doing well, and how they can do better.

Ninety percent of participating judges have indicated that they find the program helpful. Because it has been such a successful program, the court is reluctant to support any changes that have the potential to reduce its benefit for judicial officers. For this reason, I urge a Do Not Pass on HB 1189.