

20-3204. Same; surveys; performance standards; plans and procedures; public recommendations; adoption of rules; immunity; indemnification. (a) The commission shall, with the aid of professionals where appropriate:

(1) Conduct surveys of such persons as the commission determines to be appropriate who have had sufficient experience with a judge or justice to form an opinion about the performance of the judge or justice, such as attorneys, litigants, jurors, witnesses, court staff and others. The surveys shall be dispersed, collected and tabulated by an independent organization or in any other manner that insures confidentiality. The surveys shall ask those surveyed to evaluate the judges and justices on such judge's or justice's ability, integrity, impartiality, communication skills, professionalism, temperament and administrative capacity suitable to the jurisdiction and level of court;

(2) develop clear, measurable performance standards upon which the survey questions are based;

(3) develop dissemination plans that:

(A) Protect confidentiality when the judicial performance evaluation is used only for self-improvement;

(B) make the judicial performance evaluation results widely available when they are to be used to assist voters in evaluating the performance of judges and justices subject to retention elections; and

(C) make public recommendations regarding whether or not to retain judges and justices subject to retention elections;

(4) develop a procedure for judges and justices to receive and respond to survey results before such results are made public;

(5) establish a mechanism to incorporate evaluation results in designing judicial education programs; and

(6) adopt rules for implementation of the judicial performance evaluation process, subject to approval by the Kansas supreme court.

(b) The supreme court, the Kansas judicial council, the commission on judicial performance, and the staff or any committee of the commission shall be immune from suit and liability in any civil action for any act, error or omission occurring within the scope of their official duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

(c) Any agent under contract with the commission on judicial performance shall be indemnified and held harmless by the state in any cause of action arising out of such agent's use of information provided by the state within the scope of their contractual duties. Any such agent shall not be indemnified or held harmless by the state in any cause of action arising out of such agent's intentional or negligent acts.

History: L. 2006, ch. 195, § 4; L. 2008, ch. 145, § 3; May 22.