

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered March 1, 2011.

(Deleted material is struck through and new material is underscored.)

Effective immediately, Supreme Court Rule 58 is amended, as follows.

Amended Rule 58

Rule 58. Judicial Performance Evaluation

(a) Definitions.

(1) Whenever the word “judge” is used in this rule, it includes only circuit and associate judges.

(2) Whenever the pronoun “he” is used in this rule, it includes the feminine as well as the masculine form.

(b) Preamble. The courts, the public and the bar have a vital interest in a responsive and respected judiciary. In its supervisory role and pursuant to its power over the court system and judges, the court has determined that the periodic evaluation of a judge’s performance is a reliable method to promote judicial excellence and competence. Accordingly, the court has authorized a program ~~for~~ of mandatory judicial performance evaluation. The program shall be supervised by the court and shall be implemented and ~~administered~~ monitored by a committee appointed by the court designated as the ~~Planning and Oversight Committee for a Judicial Performance Evaluation Program Committee (Oversight Committee)~~, which shall establish procedures to implement this program.

(c) Purpose. There shall be a mandatory program of judicial performance evaluation for the purpose of achieving excellence in the performance of individual judges and the improvement of the judiciary as a whole.

(d) Confidentiality. The program must be conducted candidly and in strict confidence so that evaluations may be based on objective criteria and the areas for improvement determined fairly. The disclosure of evaluation information would be counterproductive to the goals of the evaluation program, reduce the free flow of comment, and result in the termination of the program. The following rules of confidentiality are essential to the successful implementation of the judicial evaluation program.

(1) Information Obtained. All information, questionnaires, notes, memoranda, electronic and computer data, and any other data obtained and used in the course of any judicial performance evaluation shall be privileged and strictly confidential. For the purpose of self-improvement, only the individual judge evaluated and the agents assigned to present the data to the judge will be permitted to know to which judge particular information applies. The information, in summary form only and without disclosing the names of individual judges, may also be used by the Supreme Court and its designated agents for the purposes of improvement of the judiciary, and for use in administering the courts and for the development of judicial education programs. The identity of any person who provides information shall be privileged and held confidential and shall not be made available to any person. Notwithstanding the foregoing, information disclosing a criminal act may be provided to law enforcement authorities at the direction of the Supreme Court. Requests for such information shall be made by written petition setting forth in particularity the need for such information. All information and data provided to law enforcement authorities pursuant to this paragraph shall no longer be deemed privileged and confidential. As to all information and data obtained in the operation of the program for judicial performance evaluation, the members of the Oversight Committee are hereby exempted from the requirements of the following rules of this court: Article I, Rule 63B(3) (Code of Judicial Conduct), and Article VIII, Rule 8.3 (Illinois Rules of Professional Conduct), except as herein provided.

(2) Admissibility as Evidence. Except as disclosed pursuant to paragraph (d)(1) hereof, all information, questionnaires, notes, memoranda or other data declared to be privileged and confidential hereby shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person.

Adopted September 30, 1988, effective October 1, 1988; amended April 1, 1992, effective August 1, 1992; amended March 1, 2011, effective immediately.