



JPR
ARIZONA JUDICIAL PERFORMANCE REVIEW

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Judicial Reports

Commission number votes may vary based upon abstentions. Voting abstentions are procedural matters within the Commission and should not be viewed in any way as a negative factor with respect to a judge's performance.

Maricopa County Voters Only

Hon. Mark H. Brain

Maricopa County Superior Court

Bench: Criminal

Appointed: 2011

100% of the Commission Voted Judge Brain MEETS Judicial Performance Standards
27 Commissioners Voted 'Meets'
0 Commissioners Voted 'Does Not Meet'

Show Surveys from Prior Years

| 2018 | Attorney Surveys Distributed: 338 Returned: 61 Score (See Footnote) | Juror Surveys Distributed: 62 Returned: 38 Score (See Footnote) | Litigant Witness Surveys Distributed: 114 Returned: 22 Score (See Footnote) |
|-----------------------|--|--|--|
| Legal Ability | 96% | n/a | n/a |
| Integrity | 99% | 100% | 94% |
| Communication | 99% | 100% | 95% |
| Temperament | 97% | 100% | 95% |
| Admin Performance | 99% | 100% | 95% |
| Settlement Activities | 100% | n/a | n/a |

FOOTNOTE:

Judges are evaluated on their judicial performance midway through their term and prior to their retention election. Beginning in 2022, their survey evaluation scores include midterm scores and retention scores. Newly appointed judges serve a two-year term and are evaluated prior to their retention election on their retention scores. The score is the percentage of all evaluators who rated the judge "superior", "very good", or "satisfactory" in each of the Commission's evaluation categories. Depending on the assignment, a judge may not have responses in certain categories, indicated by N/A (for example, some judicial assignments do not require jury trials or no survey responses were returned). The JPR Commission votes "Yes" or "No" on whether a judge "MEETS" Judicial Performance Standards, based on the statistical information, as well as any other information submitted by the public or the judge. Further information on the judges and justices can be found at each court's website.



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WHO JUDGES THE JUDGES?



Arizona Commission on Judicial Performance Review

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Hon. Mark H. Brain

2018 Attorney Survey Responses

Key: **SU** = Superior **VG** = Very Good **SA** = Satisfactory **PO** = Poor **UN** = Unsatisfactory

| | UN | | PO | | SA | | VG | | SU | | Mean | Total | No Resp |
|---|----------|-----------|----------|-----------|-----------|------------|-----------|------------|------------|------------|-------------|------------|---------|
| | Num. | Pct. | Num. | Pct. | Num. | Pct. | Num. | Pct. | Num. | Pct. | | | |
| 1. Legal Ability | | | | | | | | | | | | | |
| 20180093. Legal reasoning ability | 1 | 2% | 2 | 4% | 5 | 9% | 19 | 34% | 29 | 52% | 3.30 | 56 | 0 |
| 20180094. Knowledge of substantive law | 1 | 2% | 1 | 2% | 6 | 11% | 20 | 36% | 28 | 50% | 3.30 | 56 | 0 |
| 20180095. Knowledge of rules of evidence | 1 | 2% | 1 | 2% | 5 | 10% | 16 | 31% | 28 | 55% | 3.35 | 51 | 0 |
| 20180096. Knowledge of rules of procedure | 1 | 2% | 1 | 2% | 5 | 10% | 17 | 33% | 28 | 54% | 3.35 | 52 | 0 |
| Category Total | 4 | 2% | 5 | 2% | 21 | 10% | 72 | 33% | 113 | 53% | 3.33 | 215 | |
| 2. Integrity | | | | | | | | | | | | | |
| 20180097. Basic fairness and impartiality | 2 | 3% | 1 | 2% | 7 | 12% | 17 | 28% | 33 | 55% | 3.30 | 60 | 0 |
| 20180098. Equal treatment regardless of race | 0 | 0% | 0 | 0% | 7 | 13% | 16 | 29% | 32 | 58% | 3.45 | 55 | 0 |
| 20180099. Equal treatment regardless of gender | 0 | 0% | 0 | 0% | 6 | 11% | 14 | 26% | 34 | 63% | 3.52 | 54 | 0 |
| 20180100. Equal treatment regardless of religion | 0 | 0% | 0 | 0% | 5 | 10% | 14 | 28% | 31 | 62% | 3.52 | 50 | 0 |
| 20180101. Equal treatment regardless of national origin | 0 | 0% | 0 | 0% | 5 | 10% | 14 | 27% | 32 | 63% | 3.53 | 51 | 0 |
| 20180102. Equal treatment regardless of disability | 0 | 0% | 0 | 0% | 5 | 10% | 15 | 29% | 31 | 61% | 3.51 | 51 | 0 |
| 20180103. Equal treatment regardless of age | 0 | 0% | 1 | 2% | 4 | 8% | 16 | 31% | 30 | 59% | 3.47 | 51 | 0 |

| | | | | | | | | | | | | | |
|--|----------|-----------|----------|-----------|-----------|------------|------------|------------|------------|------------|-------------|------------|---|
| 20180104. Equal treatment regardless of sexual orientation | 0 | 0% | 0 | 0% | 4 | 9% | 14 | 30% | 28 | 61% | 3.52 | 46 | 0 |
| 20180105. Equal treatment regardless of economic status | 0 | 0% | 0 | 0% | 6 | 12% | 16 | 31% | 30 | 58% | 3.46 | 52 | 0 |
| Category Total | 2 | 0% | 2 | 0% | 49 | 10% | 136 | 29% | 281 | 60% | 3.47 | 470 | |
| 3. Communication | | | | | | | | | | | | | |
| 20180106. Clear and logical oral communications and directions | 0 | 0% | 0 | 0% | 7 | 12% | 19 | 33% | 32 | 55% | 3.43 | 58 | 0 |
| 20180107. Clear and logical written decisions | 0 | 0% | 0 | 0% | 5 | 11% | 16 | 35% | 25 | 54% | 3.43 | 46 | 0 |
| 20180108. Gave all parties an adequate opportunity to be heard | 1 | 2% | 1 | 2% | 6 | 10% | 16 | 28% | 34 | 59% | 3.40 | 58 | 0 |
| Category Total | 1 | 1% | 1 | 1% | 18 | 11% | 51 | 31% | 91 | 56% | 3.42 | 162 | |
| 4. Temperament | | | | | | | | | | | | | |
| 20180109. Understanding and compassion | 0 | 0% | 4 | 7% | 5 | 9% | 10 | 17% | 39 | 67% | 3.45 | 58 | 0 |
| 20180110. Dignified | 0 | 0% | 0 | 0% | 8 | 14% | 10 | 17% | 40 | 69% | 3.55 | 58 | 0 |
| 20180111. Courteous | 0 | 0% | 2 | 3% | 4 | 7% | 12 | 21% | 40 | 69% | 3.55 | 58 | 0 |
| 20180112. Conduct that promoted public confidence in the court and judge's ability | 0 | 0% | 1 | 2% | 9 | 16% | 10 | 17% | 38 | 66% | 3.47 | 58 | 0 |
| 20180113. Patient | 0 | 0% | 2 | 4% | 6 | 11% | 9 | 16% | 40 | 70% | 3.53 | 57 | 0 |
| Category Total | 0 | 0% | 9 | 3% | 32 | 11% | 51 | 18% | 197 | 68% | 3.51 | 289 | |
| 5. Admin Performance | | | | | | | | | | | | | |
| 20180114. Punctual in conducting proceedings | 0 | 0% | 0 | 0% | 8 | 13% | 17 | 28% | 35 | 58% | 3.45 | 60 | 0 |
| 20180115. Maintained proper control over courtroom | 0 | 0% | 1 | 2% | 7 | 12% | 19 | 32% | 33 | 55% | 3.40 | 60 | 0 |
| 20180116. Prompt in making rulings and rendering decisions | 0 | 0% | 0 | 0% | 4 | 8% | 17 | 33% | 30 | 59% | 3.51 | 51 | 0 |
| 20180117. Was prepared for the proceedings | 0 | 0% | 0 | 0% | 6 | 11% | 18 | 32% | 33 | 58% | 3.47 | 57 | 0 |
| 20180118. Efficient management of the calendar | 1 | 2% | 0 | 0% | 5 | 9% | 19 | 33% | 33 | 57% | 3.43 | 58 | 0 |
| Category Total | 1 | 0% | 1 | 0% | 30 | 10% | 90 | 31% | 164 | 57% | 3.45 | 286 | |
| 6. Settlement Activities | | | | | | | | | | | | | |
| 20180119. Appropriately promoted or conducted settlement | 0 | 0% | 0 | 0% | 4 | 10% | 11 | 28% | 25 | 63% | 3.52 | 40 | 0 |
| Category Total | 0 | 0% | 0 | 0% | 4 | 10% | 11 | 28% | 25 | 62% | 3.52 | 40 | |



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2018 Litigant Witness Survey Responses

Key: **SU** = Superior **VG** = Very Good **SA** = Satisfactory **PO** = Poor **UN** = Unsatisfactory

| | UN | | PO | | SA | | VG | | SU | | Mean | Total | No Resp |
|--|----------|-----------|----------|-----------|----------|-----------|-----------|------------|-----------|------------|-------------|------------|---------|
| | Num. | Pct. | Num. | Pct. | Num. | Pct. | Num. | Pct. | Num. | Pct. | | | |
| 1. Integrity | | | | | | | | | | | | | |
| 20180038. Basic fairness and impartiality | 1 | 5% | 0 | 0% | 1 | 5% | 7 | 33% | 12 | 57% | 3.38 | 21 | 0 |
| 20180039. Equal treatment regardless of race | 1 | 5% | 0 | 0% | 1 | 5% | 6 | 32% | 11 | 58% | 3.37 | 19 | 0 |
| 20180040. Equal treatment regardless of gender | 1 | 5% | 0 | 0% | 1 | 5% | 6 | 32% | 11 | 58% | 3.37 | 19 | 0 |
| 20180041. Equal treatment regardless of religion | 1 | 7% | 0 | 0% | 1 | 7% | 4 | 27% | 9 | 60% | 3.33 | 15 | 0 |
| 20180042. Equal treatment regardless of national origin | 1 | 7% | 0 | 0% | 0 | 0% | 5 | 33% | 9 | 60% | 3.40 | 15 | 0 |
| 20180043. Equal treatment regardless of disability | 1 | 6% | 0 | 0% | 0 | 0% | 7 | 39% | 10 | 56% | 3.39 | 18 | 0 |
| 20180044. Equal treatment regardless of age | 1 | 6% | 0 | 0% | 0 | 0% | 7 | 39% | 10 | 56% | 3.39 | 18 | 0 |
| 20180045. Equal treatment regardless of sexual orientation | 1 | 7% | 0 | 0% | 1 | 7% | 5 | 33% | 8 | 53% | 3.27 | 15 | 0 |
| 20180046. Equal treatment regardless of economic status | 1 | 6% | 0 | 0% | 0 | 0% | 6 | 38% | 9 | 56% | 3.38 | 16 | 0 |
| Category Total | 9 | 6% | 0 | 0% | 5 | 3% | 53 | 34% | 89 | 57% | 3.37 | 156 | |
| 2. Communication | | | | | | | | | | | | | |
| 20180047. Explained proceedings | 1 | 5% | 0 | 0% | 0 | 0% | 9 | 43% | 11 | 52% | 3.38 | 21 | 0 |
| 20180048. Explained reasons for delays | 1 | 6% | 0 | 0% | 1 | 6% | 5 | 31% | 9 | 56% | 3.31 | 16 | 0 |

| Category Total | 2 | 5% | 0 | 0% | 1 | 3% | 14 | 38% | 20 | 54% | 3.35 | 37 | | |
|--|----------|-----------|----------|-----------|----------|-----------|-----------|------------|-----------|------------|-------------|------------|---|--|
| 3. Temperament | | | | | | | | | | | | | | |
| 20180049. Understanding and compassion | 1 | 5% | 0 | 0% | 1 | 5% | 6 | 32% | 11 | 58% | 3.37 | 19 | 0 | |
| 20180050. Dignified | 1 | 5% | 0 | 0% | 1 | 5% | 5 | 25% | 13 | 65% | 3.45 | 20 | 0 | |
| 20180051. Courteous | 1 | 5% | 0 | 0% | 0 | 0% | 7 | 33% | 13 | 62% | 3.48 | 21 | 0 | |
| 20180052. Conduct that promotes public confidence in the court | 1 | 5% | 0 | 0% | 0 | 0% | 6 | 29% | 14 | 67% | 3.52 | 21 | 0 | |
| 20180053. Patient | 1 | 5% | 0 | 0% | 2 | 10% | 7 | 35% | 10 | 50% | 3.25 | 20 | 0 | |
| Category Total | 5 | 5% | 0 | 0% | 4 | 4% | 31 | 31% | 61 | 60% | 3.42 | 101 | | |
| 4. Admin Performance | | | | | | | | | | | | | | |
| 20180054. Punctual in conducting proceedings | 1 | 5% | 0 | 0% | 0 | 0% | 7 | 37% | 11 | 58% | 3.42 | 19 | 0 | |
| 20180055. Maintained proper control of courtroom | 1 | 5% | 0 | 0% | 0 | 0% | 7 | 33% | 13 | 62% | 3.48 | 21 | 0 | |
| 20180056. Was prepared for the proceedings | 1 | 5% | 0 | 0% | 0 | 0% | 7 | 35% | 12 | 60% | 3.45 | 20 | 0 | |
| Category Total | 3 | 5% | 0 | 0% | 0 | 0% | 21 | 35% | 36 | 60% | 3.45 | 60 | | |



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2018 Juror Survey Responses

Key: **SU** = Superior **VG** = Very Good **SA** = Satisfactory **PO** = Poor **UN** = Unsatisfactory

| | UN | | PO | | SA | | VG | | SU | | Mean | Total | No Resp |
|--|----------|-----------|----------|-----------|----------|-----------|-----------|------------|------------|------------|-------------|------------|---------|
| | Num. | Pct. | Num. | Pct. | Num. | Pct. | Num. | Pct. | Num. | Pct. | | | |
| 1. Integrity | | | | | | | | | | | | | |
| 20180057. Basic fairness and impartiality | 0 | 0% | 0 | 0% | 2 | 5% | 8 | 21% | 28 | 74% | 3.68 | 38 | 0 |
| 20180058. Equal treatment regardless of race | 0 | 0% | 0 | 0% | 1 | 3% | 8 | 22% | 28 | 76% | 3.73 | 37 | 0 |
| 20180059. Equal treatment regardless of gender | 0 | 0% | 0 | 0% | 1 | 3% | 8 | 22% | 27 | 75% | 3.72 | 36 | 0 |
| 20180060. Equal treatment regardless of religion | 0 | 0% | 0 | 0% | 1 | 3% | 6 | 19% | 24 | 77% | 3.74 | 31 | 0 |
| 20180061. Equal treatment regardless of national origin | 0 | 0% | 0 | 0% | 1 | 3% | 8 | 24% | 25 | 74% | 3.71 | 34 | 0 |
| 20180062. Equal treatment regardless of disability | 0 | 0% | 0 | 0% | 0 | 0% | 7 | 23% | 24 | 77% | 3.77 | 31 | 0 |
| 20180063. Equal treatment regardless of age | 0 | 0% | 0 | 0% | 1 | 3% | 8 | 22% | 28 | 76% | 3.73 | 37 | 0 |
| 20180064. Equal treatment regardless of sexual orientation | 0 | 0% | 0 | 0% | 1 | 3% | 6 | 21% | 22 | 76% | 3.72 | 29 | 0 |
| 20180065. Equal treatment regardless of economic status | 0 | 0% | 0 | 0% | 1 | 3% | 6 | 17% | 28 | 80% | 3.77 | 35 | 0 |
| Category Total | 0 | 0% | 0 | 0% | 9 | 3% | 65 | 21% | 234 | 76% | 3.73 | 308 | |
| 2. Communication | | | | | | | | | | | | | |
| 20180066. Explained proceedings to the jury | 0 | 0% | 0 | 0% | 2 | 5% | 5 | 13% | 31 | 82% | 3.76 | 38 | 0 |
| 20180067. Explained reasons for delays | 0 | 0% | 0 | 0% | 6 | 17% | 3 | 8% | 27 | 75% | 3.58 | 36 | 0 |

| | | | | | | | | | | | | | |
|--|----------|-----------|----------|-----------|----------|-----------|-----------|------------|------------|------------|-------------|------------|---|
| 20180068. Clearly explained the juror's responsibilities | 0 | 0% | 0 | 0% | 1 | 3% | 5 | 13% | 32 | 84% | 3.82 | 38 | 0 |
| Category Total | 0 | 0% | 0 | 0% | 9 | 8% | 13 | 12% | 90 | 80% | 3.72 | 112 | |
| 3. Temperament | | | | | | | | | | | | | |
| 20180069. Understanding and Compassion | 0 | 0% | 0 | 0% | 1 | 3% | 6 | 16% | 31 | 82% | 3.79 | 38 | 0 |
| 20180070. Dignified | 0 | 0% | 0 | 0% | 1 | 3% | 6 | 16% | 31 | 82% | 3.79 | 38 | 0 |
| 20180071. Courteous | 0 | 0% | 0 | 0% | 1 | 3% | 5 | 13% | 32 | 84% | 3.82 | 38 | 0 |
| 20180072. Conduct that promotes public confidence in the court and judge's ability | 0 | 0% | 0 | 0% | 1 | 3% | 5 | 13% | 32 | 84% | 3.82 | 38 | 0 |
| 20180073. Patient | 0 | 0% | 0 | 0% | 2 | 5% | 4 | 11% | 32 | 84% | 3.79 | 38 | 0 |
| Category Total | 0 | 0% | 0 | 0% | 6 | 3% | 26 | 14% | 158 | 83% | 3.80 | 190 | |
| 4. Admin Performance | | | | | | | | | | | | | |
| 20180074. Punctuality in conducting proceedings | 0 | 0% | 0 | 0% | 4 | 11% | 7 | 18% | 27 | 71% | 3.61 | 38 | 0 |
| 20180075. Maintained proper control of courtroom | 0 | 0% | 0 | 0% | 2 | 5% | 8 | 21% | 28 | 74% | 3.68 | 38 | 0 |
| 20180076. Was prepared for the proceedings | 0 | 0% | 0 | 0% | 1 | 3% | 5 | 13% | 32 | 84% | 3.82 | 38 | 0 |
| Category Total | 0 | 0% | 0 | 0% | 7 | 6% | 20 | 18% | 87 | 76% | 3.70 | 114 | |