

**TACOMA-PIERCE COUNTY BAR ASSOCIATION
JUDICIAL QUALIFICATIONS COMMITTEE
RULES AND PROCEDURES**

I. Purpose

The purpose of the Judicial Qualifications Committee is to assist the public and public officials in the appointment or election of members of the judiciary.

II. Committee Membership

Committee members are not precluded from being involved in judicial campaigns; provided however, if a Committee member supports any person who is applying, or is a candidate, for a judicial position in Pierce County, then the committee member must disclose that support in writing to the Chair of the Committee. (Support includes financial support and/or endorsements.) Such Committee members must excuse themselves from the Committee meeting when that meeting involves the interview, discussion, and evaluation of the judicial candidate. The Committee member cannot participate in the interview, discussion, and evaluation of the other candidates who are seeking the same judicial position.¹

III. Duties of Committee Members

A. Members must keep all proceedings and records of the Committee strictly confidential.

B. Members must refrain from endorsing, campaigning for, supporting or fundraising for a candidate for any position for which the Association conducts evaluations, unless they have made the disclosure required in Paragraph II above and have excused themselves from the Committee meetings and proceedings involving that candidate and his/her opponent(s).

C. Committee members cannot participate in the interview of, or vote on a rating of a member in his or her own law firm, a lawyer who is in an office space sharing relationship with the member or in a business relationship with the member; provided however, the member may provide background information and input to the Committee regarding that lawyer so long as that input and information is provided before the Committee interview reports and other information is published in Committee. Members who are government and public service attorneys are not precluded from participating in a candidate rating based solely upon the fact they are employed by the same governmental entity or agency that a candidate or his/her opponent is employed; however, all other restrictions and rules apply.

¹ An example is the following. A committee member has agreed to endorse Jane Doe who is seeking appointment to Pierce County Superior Court department number 21. John Doe is also seeking appointment to that position. The committee member must disclose his/her endorsement to the Committee Chair in writing and cannot participate in any of the discussions, interviews, or evaluations for either Jane Doe or John Doe

D. Committee members otherwise closely affiliated with applicants can express views or present pertinent information about the candidate, but cannot vote on the candidate or be present at his or her interview or during committee deliberations of that candidate.

E. Members must disclose any relationship that might affect their impartiality toward a candidate. After disclosure, the Committee or panel of interviewers will decide by majority vote of the Committee members then present whether the member can participate in rating that particular candidate.

F. Members are ineligible for appointment to any judicial vacancy as to which the Committee has responsibilities while he or she is serving on the Committee and cannot be rated by the Committee for a period of one year after serving on the Committee.

G. Absence from two consecutive meetings without reasonable cause may result in member replacement.

H. Each member must sign a written pledge acknowledging that she/he has read and understands these rules and procedures and agrees to be bound by them.

I. Each member must attend a Committee orientation meeting, which shall be conducted by the Chair(s) at the beginning of each committee year and before the rating of any judicial candidate. The purposes of the orientation meeting is to acquaint the members with these Rules and Procedures, Committee protocols, and other business the Chair(s) deem necessary for the good order of the Committee. Absence from the orientation meeting may result in the member being removed from the Committee.

IV. Records

Records of the Committee are confidential and maintained by the Chair. After the evaluation has been completed, Committee members must turn over to the Chair their copies of all materials provided or prepared in connection with rating a candidate. The Chair will destroy all Committee records regarding a candidate one week after the results are disclosed to the candidate and appointing authority in the case of an appointment process, or are publicly announced via press release in the case of an election. Electronic records received by Committee members must be destroyed upon completion of the candidate's rating by the Committee. Committee members with government email addresses must provide personal email addresses.

V. Information to Candidates Seeking Evaluation

Candidates seeking evaluation by the Committee shall be provided with a copy of the Committee's rules and procedures; a questionnaire adopted by the Committee; and a list of Committee members. There should be no ex parte contact by the candidate with members of the Committee, and all questions should be routed through the Chair.

A candidate may only withdraw a request for evaluation by submitting a written request

to the Committee Chair within ten days following submission of the completed questionnaire to the Committee.

The Committee will not consider a candidate's request for rating received less than 21 days before the judicial primary election, or, in the case of a judicial position filled by appointment, if received more than 21 days after the appointing authority's deadline for applications.

A candidate who chooses not to be interviewed will still be rated based on the questionnaire and all other required inquiries.

VI. Questionnaire

The Committee shall prepare or adopt a questionnaire to be completed by each candidate seeking evaluation. The candidate must complete the questionnaire before the beginning of the rating process. If a candidate fails to return a completed questionnaire by the deadline imposed by the Committee, then the Committee has the discretion to refuse to rate the candidate.

VII. Candidate Interviews

Each candidate seeking evaluation shall be interviewed using a non-exclusive list of questions developed by the Committee. Only those members who participate in the interview shall be eligible to vote on a candidate.

VIII. Disciplinary Inquiries

Each candidate seeking evaluation must provide a current Discipline History Certificate from the WSBA and/or the Commission on Judicial Conduct, if applicable. Upon completion of the candidate's rating, the Committee shall return the Discipline History Certificate to the candidate.

IX. Reference Checks

The Committee must make reasonable efforts to contact a substantial number of references listed by the candidate on his or her questionnaire and may also check references other than those listed by the candidate. At least two Committee members should conduct the reference checks using a form and questions developed by the Committee. References contacted must be assured of confidentiality.

X. Ratings

The Committee shall provide to each candidate one of the following ratings: Exceptionally Well Qualified; Well Qualified; Qualified; Not Qualified; or Not Rated.

XI. Manner of Selecting a Rating

At least 12 members are required for purposes of conducting an interview and voting

on a candidate's rating. A candidate will receive the rating that is achieved through a simple majority. Votes cast for a higher rating will be counted as a vote for the next lower rating when a majority is not obtained for the higher rating.²

XII. Endorsements

The Committee will not endorse any candidate.

XIII. Judicial Positions for Which Persons Will Be Rated

The Committee will provide evaluations for candidates for appointment or election to judicial positions within Pierce County, and state courts.

XIV. Length of Rating

A candidate's rating is only effective for the judicial position for which the candidate sought evaluation and shall remain in effect for a period of four years. (*i.e.* a municipal court rating may be utilized for other municipal court positions sought by the candidate via appointment or election within four years of the original rating; district court rating for another district court position; superior court rating for another superior court position; Court of Appeals rating for another Court of Appeals position; Supreme Court rating for another Supreme Court position.) A candidate shall not be re-evaluated by the Committee for the same judicial position within two years of the prior rating. (*i.e.* a candidate who was rated for superior court must wait two years before requesting a new rating for superior court).

XV. Criteria for a QUALIFIED Rating

In order to receive a Qualified Rating, a candidate must possess the following qualities:

- A minimum of 5 years as a member of the Bar;
- Good standing with the Washington State Bar and all other Bar Associations to which the candidate has been admitted;
- A minimum of 5 years as an attorney admitted to practice;
- Maturity, integrity, courtesy, intellectual honesty, fairness, good judgment, curiosity and common sense;
- A demonstrated commitment to equal justice under the law, and fairness and open-mindedness with sensitivity to and respect for all persons, regardless of race, color, sex, sexual orientation, national origin, ancestry, religion, political ideology, creed, age, marital status or physical or mental handicap, disability or impairment.
- The courage and ability to make difficult decisions under stress;
- The competence, ability and experience to manage the proceedings over which the judicial position for which the candidate seeks appointment or election.
- The ability to address diverse issues, weigh conflicting testimony, apply the law to the facts, understand the dynamics of the trial or conflict resolution process, and

² For Example, if fifteen members evaluate a candidate, and six vote for exceptionally well-qualified, two for well qualified and seven for qualified, the candidate will receive a rating of well-qualified.

command respect from attorneys, litigants, other court participants and the public.

- The ability to work with the variety of subject matter dealt with by the judicial position for which they seek election or appointment;
- The energy and capacity for hard work;
- Excellent legal ability and confidence, and demonstrated excellence in legal work and practice;
- The ability to communicate clearly and effectively, orally and in writing, with attorneys, litigants and court participants.
- The potential for ongoing professional development and demonstrated leadership in the profession.

XVI. Criteria for receiving the WELL QUALIFIED Rating

The candidate must possess the qualities for a Qualified Rating and in addition must possess the following:

- A demonstrated level of skill, experience, sound judgment and excellence in his or her professional or judicial career, or both, which will sustain or improve the quality of the bench of the judicial position sought.

XVII. Criteria for receiving the EXCEPTIONALLY WELL QUALIFIED Rating

The candidate must possess the qualities for a Well Qualified Rating and in addition must possess the following:

- Exceptional legal ability and writing skills, which may be evidenced by excellent legal analysis and ability to deal with legal problems; by proven legal scholarship and writing; or by a reputation for excellence in legal work and practice;
- Demonstrated exceptional litigation, judicial or administrative experience and a reputation for outstanding personal and professional integrity, personal and professional independence; personal courage; and an excellent ability to make difficult decisions in demanding situations;
- Public service;
- Potential for leadership on the bench;
- An interest in and commitment to working with other judges and court administrators to improve the administration of justice;
- An unswerving devotion to equality and to access to justice.

XVIII. Criteria for the NOT QUALIFIED Rating

The candidate does not meet the minimum requirements to receive a Qualified Rating.

XIX. Criteria for NOT RATED Rating

A candidate will be NOT RATED where:

- There is insufficient information upon which to base an evaluation;
- The candidate declines to participate in the process;
- The candidate has been a member of the Committee within the past year and is, therefore, ineligible to receive a rating.

XX. Method for Advising Candidates of Their Rating

The President of the Association or the Chair of the Committee shall advise candidates of their rating. The candidate shall receive this information prior to disclosure to the appointing authority in the case of an appointment process, or any press release issued by the Association in the case of an election. No disclosure shall be made to the candidate of the votes taken or the substance of the discussion of the committee.

XXI. Publication or Distribution of the Results

A. Appointment. When a judicial position is about to be filled by appointment, the President of the Association or the chair of the Committee shall provide to the appointing authority a list of all candidates who have been rated not qualified, qualified, well qualified or exceptionally well qualified for that open judicial position, along with the rating given for each. Upon request of a candidate seeking appointment, or the appointing authority, to the judicial position in question, the chair of the Committee shall disclose to the appointing authority each prior Committee rating of that candidate for the same judicial position issued by the Committee within the past four years. (*see* section XIV. Length of Rating) Committee ratings of candidates seeking judicial appointment shall be disclosed only to the candidate and the appointing authority, except where a candidate subsequently seeks election to the same judicial position within four years of rating as discussed below in section B. (*i.e.* candidate receives rating for district court appointment, and then runs for election to district court within four years of receiving that rating.)

B. Election. The President of the Association should issue a press release announcing the results of the Committee's ratings before the date of the election and explaining to the public the rules and procedures used in reaching those ratings. The press release shall include all prior ratings of candidates issued by the Committee within the past four years when those ratings were for the same judicial positions. (*i.e.* candidate running for municipal court position, press release will include all municipal court ratings issued by the Committee for that candidate within the prior four years)

Adopted by the Board of Trustees: October 14, 2014