

GLBT Bar Association of Washington 501(c)(6) Corporation

RULES AND PROCEDURES

JUDICIAL EVALUATION COMMITTEE

(Originally Adopted March 3, 2010, as revised and adopted November 14, 2012)

I. DEFINITIONS

1.1 For the purposes of these Rules and Procedures, the following definitions apply:

1.1.1 The “Corporation” means GLBT Bar Association of Washington 501(c)(3) Corporation;

1.1.2 “Committee” means the Judicial Evaluation Committee of the Corporation;

1.1.3 “Member” means a member of the Committee;

1.1.4 “Chair” means the Chair of the Committee;

1.1.5 “Board” means the Board of Directors of the Corporation;

1.1.6 “Applicant” means an individual seeking a rating from the Committee regardless of whether she or he seeks judicial office through election, appointment or both;

1.1.7 “Aspirant” means an individual seeking appointment to judicial office;

1.1.8 “Candidate” means an individual running for judicial office in an election.

II. AUTHORIZATION AND ORGANIZATION

2.1 The Committee exists and functions under the auspices of the GLBT Bar Association of Washington 501(c)(6) Corporation. The Committee shall consist of at least seven (7) members, four (4) of whom must be present for evaluation of applicants to proceed, absent extraordinary circumstances. The Committee shall make every effort to ensure that its members represent a broad cross section of the legal profession in terms of substantive area of practice, size of practice, and sector of employment.

2.2 No Member of the Committee shall be a candidate in a judicial election or seek appointment to a judicial position for which the member has been involved in any aspect of the rating process. No Committee member or Board member will be considered for ratings by the Committee for one year following termination of her or his service on the Committee or the Board.

2.3 The Board shall appoint the Chair. The Chair shall preferably have at least one year's experience serving on the Committee or, if no person with such experience is available, shall preferably have similar experience with some other judicial evaluation process. The Chair shall demonstrate a commitment to participating actively and consistently in the work of the Committee and shall have a demeanor appropriate to the work of the Committee.

2.4 The Chair shall recruit and select other members of the Committee, including a Vice Chair or Co-Chair. The membership of the Committee shall periodically be submitted to the Board for review and approval. All Members must be members in good standing of the bar of the highest court in any of the fifty (50) states or the District of Columbia during their term of service; provided, however, at the discretion of the Chair and with the approval of the Board, up to two member of the Committee may be non-lawyers, and may include one law student. Each Member shall commit to serving regularly on the Committee for one year. We encourage, but do not require, attorney members to have at least five years of legal experience.

2.5 The Vice Chair/Co-Chair shall assist the Chair in her or his duties and shall preside over rating interviews when the Chair is unavailable. The Chair, Vice Chair, or another designee by the Chair, shall prepare the minutes of each meeting, and the minutes shall include nothing other than the number of Members present for the rating, the names of the Applicants rated by the Committee, and the ratings given.

2.6 The Chair or Vice Chair shall prepare a monthly report of its activities to be shared with the Board. Said report shall be marked and treated as Confidential. The report is intended to highlight the Committee's recent activities and ratings, membership composition, and any matters of concern which the Committee wishes to address to the Board. Also, on a quarterly basis, the Chair or Vice Chair shall attend at least one (1) regular monthly meeting of the Board, unless waived by the President of the Board.

III. RECORDS

3.1 The Committee records shall be limited to a single official file to be maintained by the Chair, in either paper or electronic form. The file shall be kept confidential and shall include the following material only:

3.1.1 The Uniform Judicial Evaluation Questionnaire furnished by each Applicant, or such other written information as the Committee requests from the Applicant. These questionnaires shall be retained for at least three years.

3.1.2 Minutes of Committee meetings, as described in paragraph 2.5, and copies of the rating letters supplied to Applicants. These records shall be retained indefinitely.

3.2 Each Members' individual copies of the questionnaires, reference forms, and any other evaluation materials and notes taken by Members, shall be retained for ten (10) days (excluding weekends and holidays) from the issuance of the rating. After this period, these items shall be shredded or otherwise destroyed by the Chair or Vice Chair.

3.3 Access to items listed in paragraphs 3.1.1 and 3.1.2 shall be determined by the Chair, after consultation with the Committee. Items listed in paragraph 3.2 shall remain confidential.

IV. SECRECY AND FIDELITY

4.1 The proceedings of the Committee shall be kept in strictest confidence. No information obtained by the Committee or its Members in connection with any rating, no statement made by any Member of the Committee or any reference, and no other work of the Committee shall be divulged by any Member, except to the Board when appropriate. Only the Board, Chair, or Vice Chair shall advise Applicants of the results of the Committee's rating.

4.2 Before participating in a rating for any Applicant, each Member agrees to keep absolute secrecy in connection with all matters that come before the Committee, has read these Rules and Procedures, knows their contents, and agrees to be bound by them, and that the member is aware that:

4.2.1 Proceedings of the Committee are to be kept forever confidential.

4.2.2 A Member is not eligible to participate as a candidate for an election in which the Member has been involved in the rating of judicial candidates or to seek appointment to a position for which the Member has been involved in rating aspirants.

4.2.3 The Member shall adhere to the limitations of Applicant evaluations as described in section V of these Rules and Procedures.

4.3 These requirements shall be read at the commencement of each Committee meeting where Applicants will be interviewed for rating.

4.4 A Member shall not make any advance commitment to an applicant which might affect the member's impartiality or appearance of impartiality.

4.5 The effectiveness of the Committee depends on each Member's commitment of time and energy. Members shall be expected to commit to serve on the Committee for at least one year, and shall make every effort to participate in scheduled meetings and Applicant ratings during their period of service.

V. ENDORSEMENT OF CANDIDATES

5.1 A Member shall refrain from any activity that might impair the integrity or impartiality of the Committee. Such activities will result in the Member's termination of service on the Committee by the Chair in consultation with the Board. Specifically:

5.1.1 A Member shall not endorse, campaign for, work on behalf of, or contribute to the campaign of any candidate in a race for which the Committee has rated or could rate a Candidate.

5.1.2 If the Member joins the Committee after having engaged in any of the above-listed activities on behalf of any judicial candidate, then the Member shall recuse him or herself from participation in any aspect of the rating process for any of the candidates involved in that particular race; however, the Member may rate candidates for other seats within the same election.

5.1.3 The provisions of this Section V likewise shall apply in situations where there is an Aspirant applying for an appointment to a specific seat.

VI. COMMITTEE OBJECTIVE

6.1 The objective of the Committee is to improve the judiciary in the areas of equal and fair access to the judicial system and equal and fair treatment in the judicial system of gay, lesbian, bisexual and transgendered persons and other minorities.

VII. QUESTIONNAIRES

7.1 Each applicant shall submit a copy of the Uniform Judicial Evaluation Questionnaire or a similar, equally thorough form with detailed background information, resume and any other information the applicant wishes to submit to the Committee at least three (3) weeks before the Committee meets to consider her or his qualifications and rating. The Committee may also require applicants to complete a supplemental questionnaire on issues more specifically related to the concerns of QLaw.

VIII. EVALUATION PROCESS

8.1 When an Applicant requests a rating by the Committee, the Chair shall send to the Applicant a letter stating the Applicant's interview date, time, and location, a request for the requisite number of applications and materials at least three (3) weeks before the Applicant's interview, and notice that failure to provide complete information may result in either the Committee declining to interview the Applicant or an adverse impact on the Applicant's rating.

8.2 Upon receipt of an application, the Chair shall distribute copies to the Members participating in the evaluation with instructions on which references to check. Every effort shall be made to keep the application materials confidential, including ensuring the items is marked "confidential." If using electronic mail and the applicant has included the social security number, the social security number must be redacted. Members who work with entities subject to public disclosure requirements shall provide the Committee with an alternate, private email for receipt of Committee business.

8.3 Checking References: Members shall contact her or his assigned references before the Applicant's interview. If a Member cannot do so, he or she shall immediately notify the Chair so that the Chair may reassign the references. When interviewing references, Members shall:

8.3.1 Identify him or herself and state that he or she is calling on behalf of the GLBT Bar Association of Washington;

8.3.2 Indicate for whom he or she is calling and advise the reference that all information shall be kept confidential within the Committee;

8.3.3 Ask for specific factual examples regarding an Applicant, rather than just relying on the reference's opinion;

8.3.4 If the reference reports relevant information from another source, the Member should make every effort to contact that source directly.

8.4 Applicant Interview: A quorum of at least four (4) Members must be present for each Applicant interview, including the Chair, the Vice Chair, or the Chair's designee. In no event shall an evaluation proceed with fewer than four (4) committee members present.

8.4.1 To the extent possible, interviews should be uniform in length and questions should be of a similar nature.

8.4.2 Before the Applicant is interviewed, each Member shall orally summarize the results of the reference checks that Member conducted, and the Committee at its discretion will discuss any issues that were raised and determine how to ask the Applicant about them.

8.4.3 Sensitive or questionable matters regarding an Applicant shall be raised among the Committee before the Applicant's interview. If there is any allegation of unethical or inappropriate conduct, the Applicant will be informed and asked to address it.

8.4.4 The Applicant should be invited to make opening remarks of up to five minutes, but may choose to move directly to questions;

8.5 Evaluation Discussion: Discussion and voting should occur immediately after the interview. Each Member shall give their reference reports immediately after the Applicant's interview. The Committee should engage in frank and open discussion to fully evaluate the Applicant. Any opinions and information shared in this discussion shall be kept in strict confidentiality within the Committee.

8.5.1 Information based upon personal knowledge of the source is preferred. Any information based on hearsay shall be identified as such, and its status as hearsay shall go to the credibility of the information.

8.5.2 The Committee may consider information provided from sources other than the Applicant and references listed by the Applicant. Other sources may include, but are not limited to, contacts with people who have personal knowledge of the Applicant (whether or not listed by the Applicant as references), public record, electronic searches, and a Member's personal experience with an Applicant.

8.5.3 When time permits, the Committee shall provide the Board with an opportunity to supply relevant information relating to the Applicant, but the Board shall not have an influence over the ratings.

8.5.4 Any persons contacted should be assured that the source of the information provided by them will be kept strictly confidential within the Committee.

8.5.5 The Committee may consider information from Members who have recused themselves.

8.5.6 The Committee shall not consider judicial surveys.

8.6 Voting – General Provisions:

8.6.1 Only Members present throughout an Applicant’s interview and the preceding discussion of reference checks may vote on the Applicant’s rating.

8.6.2 Only Members who have not recused shall vote on the rating. A vote can only be taken if there are four or more Members present who are not recused from voting.

8.6.3 A rating will be established upon the vote of the Members present, in accordance with the following chart:

Number of Members Present for Rating	Number of Members to Rate Applicant as “Qualified”, or “Well Qualified”	Number of Members to Rate Applicant as “Exceptionally Well Qualified”
4	3	4
5	3	4
6	4	4
7	4	5
8	5	6
9	5	6
10	6	7

8.6.4 Voting may be by secret ballot upon the motion of any Member present: There shall be no disclosure of the vote tallies or how each Member voted.

8.6.5 If the applicant sought a rating for superior court, the rating is also valid for courts of limited jurisdiction. The applicant need not seek a separate rating.

8.7 Voting Process:

8.7.1 Voting shall start with the rating of “**qualified.**” If the Applicant does not receive enough votes for this rating as described in § 8.6.3, the Applicant’s rating shall be “**not qualified.**”

8.7.2 If the Applicant-receives enough votes for a “qualified” rating, then the Members shall vote on whether the Applicant is “**well qualified.**”

8.7.3 If an Applicant receives enough votes for a “well qualified” rating, then the Members shall vote on whether the Applicant is “**exceptionally well qualified.**”

8.7.4 Authority to Table or Continue Process. If a Chair determines, at the Chair's sole discretion, that a Committee for any reason does not have sufficient information to credibly evaluate and rate an Applicant, the rating process, including the interview and vote, may be tabled or continued. The decision of a Chair to table or continue the rating process should only be undertaken after consulting with the Committee, and after consideration of any relevant timing concerns with the Committee, and after consideration of any relevant timing concerns and the requirement in these Rules and Procedures that only Members present for an Applicant's interview may vote on the Applicant's rating.

IX. CRITERIA FOR RATING APPLICANTS

9.1 The following criteria are the individual characteristics that QLaw values in Aspirants and Candidates for the bench. The Committee may base its conclusions regarding these criteria on information gathered from provided references, the Candidate's or Aspirant's interview, or other sources. Candidates and Aspirants need not possess all of these qualities; rather, the Committee shall use the criteria to aid its consideration of the overall qualities of each Candidate and Aspirant. The criteria are not hierarchical, exclusive, or listed in any relative order. The criteria shall be published on the QLaw website. When rating Candidates and Aspirants, the Committee shall consider whether the Candidate or Aspirant has:

9.1.1 Maturity, integrity, and common sense.

9.1.2 A temperament suitable for the judiciary.

9.1.3 Experience as a neutral decision maker, whether as a mediator, arbitrator, commissioner, pro tem judge, or prior judicial experience.

9.1.4 The energy and capacity for hard work as well as an understanding of the work to be undertaken in the position sought.

9.1.5 Demonstrated excellence in legal experience and practice.

9.1.6 The ability to work with a wide variety of subject areas of the law.

9.1.7 Intellectual curiosity.

9.1.8 A commitment to fairness and justice.

9.1.9 Respect for the law, the judicial process, and the court.

9.1.10 A commitment to the principles of the Rules of Professional Conduct.

9.1.11 Ongoing professional leadership and interest in the professional development of others.

9.1.12 The courage and ability to make difficult decisions under stress.

9.1.13 A commitment to equal justice under the law, and fairness and open-mindedness, with sensitivity to and respect for all persons, regardless of race, color, gender, gender identity, sexual orientation, national origin, ancestry, religion, political ideology, creed, age, marital status or physical or mental handicap, disability or impairment.

9.1.14 The ability to manage groups of people involved in a process such as pretrial and trial proceedings.

9.1.15 Knowledge of issues facing the GLBT community and a willingness to confront these issues without bias or prejudice.

9.1.16 Contributed to the GLBT community by improving access to justice through GLBT-specific public service, educational activities, or promoting and encouraging the advancement of GLBT lawyers in the legal profession.

9.1.17 Dedication to public service as evidenced by significant community activities and/or pro bono work.

9.1.18 The ability to communicate clearly and effectively with attorneys, litigants, witnesses and jurors and court staff.

9.1.19 An interest in and commitment to working with others to improve the administration of justice

9.2 After considering the above criteria, the committee shall rate the Applicant based on the following scale. The Committee shall consider the Applicant's overall level of skill, experience, sound judgment, and excellence in the Applicant's professional or judicial career and the degree to which the Applicant will sustain or improve the bench of the court to which the Applicant seeks appointment or election. The Committee's rating is an overall qualitative impression and may be based on the number of the criteria met and/or the Applicant's strength in particular areas:

9.2.1 **Not Qualified** – A Candidate or Aspirant is “not qualified” if the Candidate or Aspirant fails to meet the above criteria to a degree sufficient to be considered minimally qualified for the judicial position sought.

9.2.2 **Qualified** – A Candidate or Aspirant is “qualified” if the Candidate or Aspirant satisfies the above criteria to a degree sufficient to consider the Candidate or Aspirant minimally qualified for the judicial position sought.

9.2.3 **Well Qualified** – A Candidate or Aspirant is “well qualified” if the Candidate or Aspirant satisfies the above criteria to a degree necessary to be considered well qualified for the position.

9.2.3.1 Factors distinguishing a well qualified Candidate or Aspirant from a qualified one may include, but are not limited to, a particular strength in

one or more of the non-exclusive criteria identified above and/or a commitment to educating oneself about issues of particular concern to the GLBT community.

9.2.4 Exceptionally Well Qualified – A Candidate or Aspirant may be rated “exceptionally well qualified” if the Candidate or Aspirant satisfies a majority of the above criteria and, in addition, demonstrates knowledge and understanding of issues facing the GLBT community, and demonstrates outstanding accomplishments, which may include one or more of the following:

9.2.4.1 Exceptional accomplishments in the Applicant’s professional practice or judicial career;

9.2.4.2 Significant contributions to public service through community service and/or pro bono work;

9.2.4.3 Exceptional experience in litigation, judicial, or administrative areas;

9.2.4.4 Outstanding personal and professional integrity and a commitment to fairness in the administration of justice;

9.2.4.5 A history of service which has specifically aided the GLBT community by improving access to justice for the community, educating the public about GLBT issues, or serving as a mentor or aiding in the professional development of GLBT attorneys.

9.2.5 No Rating – A Candidate or Aspirant may receive a “no rating” when the Committee has insufficient information to rate or for any other reason the Committee deems appropriate.

9.2.6 Did Not Seek Rating – A Candidate or Aspirant may receive a “did not seek rating” when she or he fails to participate in the rating process.

X. APPLICANT NOTIFICATION

10.1 Applicants shall be notified as soon as possible of the results of the rating process.

10.2 In the case of the Candidates for election, the Committee will post on the QLaw website the rating information any time after the Candidate has received notification.

10.3 In the case of Aspirants for appointment, the Committee shall transmit information regarding the rating only to the appointing authority as soon as practicable after the Aspirant has received notice. Furthermore, an Aspirant’s rating may also be posted on the QLaw website if the Aspirant provides written authorization to the Chair. If the Aspirant later seeks election, the rating shall be posted on the QLaw website without further notice to the Aspirant.

10.4 The committee may provide Candidates’ ratings to www.votingforjudges.org or other similar organization that compiles Candidates’ information.

XI. RE-EVALUATION OF APPLICANTS

11.1 No Applicant shall be interviewed more than once within three years for the same position, absent unusual circumstances.

11.2 The re-evaluation process may be triggered by the Board, the Committee Members, or a written complaint received by the Board or the Committee if supported by allegations that would call into question the Applicant's prior rating.

11.3 Grounds for re-evaluation of a rating include, but are not limited to:

11.3.1 The discovery of information not available to the Committee at the time of the original interview which might have a tendency to affect the Committee's rating, had the information been available at the time of the interview;

11.3.2 Criminal, unethical, or inappropriate conduct reflecting on the Applicant's fitness to serve on the bench that was not known at the time of the original interview;

11.3.3 Discovery of misrepresentations, inaccuracies or discrepancies in the documents submitted to the Committee which were not apparent at the time of the original interview.

11.4 The procedures for conducting any re-evaluation shall be as follows:

11.4.1 The Committee shall review the request for re-evaluation and determine if the allegations are sufficient to warrant a re-evaluation.

11.4.2 If a re-evaluation is deemed to not be warranted, the Chair shall report to the Board and to the complaining party, if any, that a re-evaluation will not be conducted.

11.4.3 If the Committee determines that re-evaluation is appropriate, then the Committee shall:

11.4.3.1 Inform the Applicant that the Committee is re-evaluating their rating, provide the Applicant with sufficient notice of the reasons for the reevaluation, and provide the Applicant with an opportunity to schedule an interview with the Committee and/or to provide further documents to the Committee.

11.4.3.2 Invite the complaining person to submit further documentation supporting the request to re-evaluate the Applicant and the opportunity to appear before the Committee. Any in person meeting shall be strictly confidential and shall be scheduled in advance of any meeting with the Applicant under re-evaluation.

11.4.3.3 Provide notice to the Members who participated in the Applicant's original rating and invite those prior members to provide their input.

11.5 If the re-evaluation results in the Committee deciding to change the Applicant's rating, the Committee shall advise the Board of the results of the second evaluation and the Committee's recommendation for the new rating. The Board shall make any final determination on whether to adopt the Committee's recommendation or maintain the original rating.

11.6 The Chair shall first inform the Applicant of the Board's decision, and then the Chair shall inform any complaining party of the change in rating only.

11.7 Any change to an Applicant's rating shall be published in accordance with the normal Rules and Procedures herein. As with all other ratings, the reasons for any change in an Applicant's rating shall not be made public to anyone. The Board may – in its sole discretion – publish the change of rating and the reasons therefore, if exceptional circumstances warrant such publication.

11.8 When applicable, if an applicant has been evaluated within three years before a primary election, the individual will not be re-evaluated between that primary election and the general election of the same year.