



CITIZENS FOR JUDICIAL EXCELLENCE

Judicial Candidate Evaluation Rules and Procedures

I. Purpose

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

II. CJE Board Member Role

When appropriate, Judicial Candidate Evaluations shall be performed by members of the CJE Board. At its discretion the Board may invite CJE members in good standing to participate in the Evaluation. CJE Board Members and other participants in the Evaluation Committee may not be involved in judicial campaigns or have endorsed judicial candidates prior to the quadrennial CJE Membership Meeting to support judicial candidates.

III. Duties of Evaluation Committee Members

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

Members must refrain from endorsing, campaigning for, supporting or fundraising for a candidate for any position for which CJE conducts evaluations pursuant to established CJE Board Policies & Procedures.

Committee members cannot participate in the interview of or vote on a rating of: a candidate in the member's own law firm, a candidate who is in an office sharing relationship with the member or in a business relationship with the member; provided however, a member may provide background information and input to the Committee regarding a candidate. Committee members otherwise closely affiliated with applicants can express views or present pertinent information about a candidate, but cannot vote on the candidate or be present at his or her interview or during committee deliberations of that candidate.

CJE Board and Evaluation Committee Members must disclose any relationship that might affect their impartiality toward a candidate. After disclosure, the Board will decide by majority vote whether the member can participate in rating that particular candidate.

IV. Records

Records of the Committee are confidential and shall be maintained by the Chair or his/her designate.

V. Information to Candidates Seeking Evaluation

Candidates seeking evaluation by the Committee shall be provided with a copy of the CJE Evaluation Committee's Rules and Procedures; an evaluation questionnaire adopted by the Committee; and a list of Committee members and CJE Board 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 10 business days before a judicial election, whether primary or general, or, in the case of a judicial position filled by appointment, if received more than 10 business 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. Interviews and ratings are at the sole discretion of the Committee.

VI. Questionnaire

The Committee shall prepare a questionnaire to be completed by each candidate seeking evaluation. The candidate must complete the entire questionnaire before the rating process will commence. 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

A candidate seeking a rating may be interviewed, and if so, by use of a uniform list of questions developed by the Committee.

VIII. Disciplinary Inquiries

A 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 shall make a reasonable effort 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. 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

The Committee shall report to the CJE Board the results of the interviews. A quorum of the Board is required for purposes of 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.

XII. Endorsements

The Committee will not endorse any candidate, but will refer its recommendations to the CJE Board. The Board will survey CJE members in good standing. The Board will then consider the Committee's recommendations along with the results of the CJE member survey and make a recommendation to the CJE membership which will be voted upon at the scheduled CJE Membership Judicial Endorsement Meeting.

XIII. Judicial Positions for Which Persons Will Be Rated

The Committee will endeavor to provide evaluations of candidates for appointment or election to municipal and district court judicial positions within Snohomish and King counties.



XIV. Criteria for a QUALIFIED Rating

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

- 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 in Washington;
- Maturity, integrity, courtesy, intellectual honesty, fairness, good judgment, 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 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 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.
- A demonstrated ability to work effectively with other judges.

XV. 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.

XVI. 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.
- Pro temp or other judicial experience.

XVII. Criteria for the NOT QUALIFIED Rating

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

XVIII. 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 or CJE Board within the past year or is related to a Committee or Board member.

XIX. Method for Advising Candidates of Their Rating

The President of CJE 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 CJE in the case of an election. No disclosure shall be made to the candidate of the votes made, tally, or the substance of the discussion of the Committee.

XX. Publication or Distribution of the Results

A. Appointment

When a judicial position is to be filled by appointment, the President of CJE or the Chair of the Committee may, at the discretion of the CJE Board, provide to the appointing authority a list of all candidates who have been rated not qualified, qualified, well qualified or exceptionally well qualified for the 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 may choose to 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. 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 or municipal court appointment, and then runs for election to district or municipal court within four years of receiving that rating.)

B. Election

The President of CJE may 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 may include all prior ratings of district and municipal court candidates issued by the Committee within the past four years when those ratings were for the same judicial position (i.e. candidate running for a district or municipal court position, press release will include all relevant district and municipal court ratings issued by the Committee for that candidate within the prior four years).