

WASHINGTON WOMEN LAWYERS, KING COUNTY CHAPTER

JUDICIAL EVALUATION PROCEDURE

I. GOALS AND DEFINITIONS

The goals to be effected through Washington Women Lawyers (WWL) ratings are:

- A. To sustain and enhance the judiciary through the appointment and election of excellent judicial candidates;
- B. To promote a judiciary with special sensitivity to issues important to women, both within the profession and under the law;
- C. To rate, but not endorse, candidates for appointment or election to judicial positions;
- D. Definitions. For the purposes of these procedures, the following definitions apply:
 - 1. "Rating" is the evaluation by the committee of a candidate for appointment or election as exceptionally well qualified, well qualified, qualified, no rating, or unqualified according to the criteria outlined in Section VI below.
 - 2. "Candidate" is a person seeking rating for either election or appointment.
 - 3. "References" includes all persons listed by a candidate in the questionnaire, including but not limited to, opposing counsel, persons who have appeared before the candidate, non-attorney references, the judges and opposing counsel listed for the trials in which the candidate has participated and others familiar with the candidate's qualifications who are contacted by the committee.
 - 4. "The committee" is the Judicial Evaluation Committee governed by these by-laws and procedures.

II. POSITIONS FOR WHICH WWL MAY EVALUATE

Rating by the Judicial Evaluation Committee shall be limited to persons seeking the following positions by election or appointment:

- A. Municipal Courts in King County
- B. King County District Court
- C. King County Superior Court
- D. King County Superior Court Commissioner
- E. Other positions in King County that may be reasonably evaluated by the committee if requested by an appointing authority

III. JUDICIAL EVALUATION COMMITTEE-MEMBERSHIP, TERMS, DISQUALIFICATION

- A. The Judicial Evaluation Committee ("Committee") shall be a standing committee of the Chapter and shall have 12 or more members, including the chair. Each member of the committee shall have a minimum of three (3) years of experience in the practice of law with preference for experience of five (5) years or more. The appointment process shall give special consideration to the diversity of the WWL membership. Nominations for vacancies on the Committee will be announced, and qualified prospective members shall submit their names to the president for appointment to terms commencing on January 1st of each year. Mid-year appointments are permitted as authorized in Subsection D. The President shall consider the following guidelines for the Committee's composition when making appointments:
1. Members with substantial recent experience in the area of criminal law with a goal of having both defense and prosecution perspectives represented.
 2. Member with substantial recent experience in the area of family law.
 3. Members with substantial recent experience in the area of personal injury, with the goal of having both defense and plaintiff perspectives represented.
 4. Member with substantial recent experience in the area of employment or sex discrimination.
 5. Member with substantial recent experience in complex civil litigation.
 6. Member who practices in the public sector.
 7. Member who is currently on the Chapter Board of Directors.
- B. Members shall be appointed by the President of the Chapter for a term of not more than three years. Members may be reappointed. The President shall appoint a chairperson for a two-year term, with preference given to those members who have already served at least two years on the Committee or with prior Committee experience. The chairperson may be reappointed. The chairperson may appoint a vice-chair whom she may call upon to assist or to stand in her place or stead during her term.
- C. The Committee shall meet as necessary to consider rating of candidates for the positions set forth in Section II above.
- D. Upon resignation, or inability of a Committee member to complete her term, the President shall appoint a person to fill such vacancy for the remainder of

the vacant term. The new appointee shall commence her duties on the Committee immediately. No vacancy or absence of a member shall preclude the Committee from performing its duties so long as the quorum requirements of Section III (H) below are met.

- E. A Committee member shall refrain from any activity which might impair the integrity or impartiality of the Committee. Such activity includes publicly endorsing a candidate for any of the positions listed in Section above; soliciting funds or other support for such a candidate; making a contribution to such a candidate; and participating in the campaign of such a candidate. Such activity will result in termination from the Committee.
- F. Individuals who intend to seek appointment or file for election during their term on the Committee to a position for which the Committee conducts ratings shall resign from or decline to serve on the Committee. No State or Chapter Committee or State or Chapter Board member will be considered for rating by WWL within one year following termination of her service on this Committee or Board or the parallel Committee or Board for the State WWL.
- G. A Committee member will disqualify herself from the evaluation of a candidate for a position if she has any actual bias for or against a particular candidate. Committee members shall disclose to the Committee any relationship with any candidate which might appear to affect her impartiality toward the candidate being evaluated. Following disclosure, if a Committee member wishes to participate in the candidate interview and rating, the Committee shall decide whether that Committee member should participate.
- H. A quorum for purposes of interviewing, deliberating, evaluating and voting on a rating or other matter before the Committee shall be no fewer than five non-disqualified members. There shall be a quorum present at the beginning of each interview.
- I. Committee member may vote on a candidate's rating only if she is present for the interview and a substantial portion of the Committee discussion of that individual candidate.

IV. EVALUATION PROCESS

A. Committee Duties

1. Interview, investigate, evaluate and rate (a) candidates for contested elections and (b) applicants for appointment to the judicial positions listed in Section II.
2. Ensure that the evaluation process is fair, confidential, professional and consistent.

3. The Committee may develop a questionnaire for use by candidates, or may require a copy of the questionnaire used by another bar organization with an addendum specifically addressing WWL concerns. The questionnaire shall include a request for a list of reference.
4. Send to each candidate who has made a timely request for an interview a response, electronically or otherwise, acknowledging the request and information on how and when a date will be set for an interview and information on submitting electronic copies of the requested materials. Candidates will be required to send an original signed waiver. The required waiver will be included with initial contact information. When the date, time, and location are known, the committee will send the information including a telephone number of a contact person at the interview site. Candidates will be informed that failure to comply with these procedures may result in a "no rating" by the Committee.
5. Contact as many references for all candidates as possible prior to a candidate's interview and will vote on rating only after sufficient references have been interviewed. Interview references in a consistent manner. Committee members may make independent inquiries about a candidate. The Committee shall maintain the confidentiality of all information provided to members of the Committee.
6. Vote on ratings for each candidate after completion of appropriate reference checks and an interview. The recommendation for rating of a candidate shall be by a majority vote of the Committee members present at the interview.
7. Report the names of the candidates who have applied for rating to the Chapter Board in confidence prior to candidate interviews in order to allow Board members the opportunity to provide confidential reference information to the Committee.
8. Report the Committee's recommendations to the Chapter Board in a timely manner.

B. Committee Procedures

1. The proceedings of the Committee shall be kept confidential. Confidential matters that come before the Committee shall not be divulged to anyone outside the Committee, including Board members who are not otherwise members of the Committee. Every Committee member shall agree to be bound by this confidentiality requirement.
2. Permanent Committee records shall be limited to an official file to be maintained by the Chair. This file should be kept confidential and should

include the following material:

- a. One copy of the information questionnaire furnished by each candidate, along with other information collected concerning that candidate;
 - b. One copy of each list of qualified judicial candidates and each letter of transmittal of the list to the Board and/or appointing authority;
 - c. Other official correspondence of the Committee;
 - d. Minutes of Committee meetings, including the names of Committee members attending, the ratings of each candidate, and any other decisions made;
 - e. Additional temporary files as may be necessary for the orderly administration of the Committee.
 - f. Files may be kept electronically.
3. Each candidate shall be required to complete and deliver an electronic copy of the questionnaires, as well as a hard copy of the original signed waiver at a date set by the Chair prior to the interview. Copies of candidate questionnaires shall be sent to each member of the Committee before candidate interviews. All copies and any notes shall be destroyed after use, except the copy retained by the Chair in the Committee's file.
 4. The Committee shall contact references from the questionnaire provided by the candidate. Any persons contacted should be assured that the information given will be kept confidential by members of the Committee. The Committee may consider input from members of Washington Women Lawyers, Chapter Board members, other members of the bar, and the community. No input will be considered by the Committee unless its source is identified. Should the Committee determine insufficient contacts have been made, it may postpone the rating of a candidate. The Committee shall timely reconvene to rate the candidate.
 5. Written or oral information provided to the Committee members after the candidate has been interviewed may be considered at the Committee's discretion.
 6. Other than within the confidential evaluation process, members of the Committee or the Board shall not disclose a candidate's application for rating or the Committee's recommendation for rating until after the Board has passed upon the Committee's rating and the Committee has informed the candidate of her rating.

C. Board Duties and Procedures

1. Upon the Committee's confidential disclosure of the names of candidates to be rated to the Board and before candidate interviewing, the Board members may provide input to the Committee for consideration in the rating process. Names of candidates applying for rating shall not be disclosed to anyone outside the Board, nor shall the Board conduct independent inquiry of non-Board members regarding such candidates.
2. The Board of Directors of the Chapter shall review and vote on the rating recommendations of the Committee in executive session at a regularly scheduled Board meeting, but phone committee or by email response and shall be subject to the same confidentiality requirements as the Committee.
3. The Board may decide to override the recommendations of the Committee and give a "No Rating" to a candidate by a two-thirds vote of the entire Board, but in no event shall the Board be permitted to otherwise change a candidate's rating.
4. Following Board review of the Committee's recommendations, the President of the Chapter or the Chair of the Committee shall report the candidates' ratings to the appointing authority, or in a press release, or to any informational website deemed sufficiently reliable to the committee in the event of a pending election.
5. If the Board changes any rating of the Committee to a "no rating," the Committee shall be given the reasons for such change.
6. The President of the Chapter and/or the Chair of the Committee shall advise candidates of their ratings following Board review of the recommendations of the Committee.
7. Responsibility for announcing the rating of the Chapter shall belong solely to the President of the Chapter or the Chairperson of the Committee or their designee. Such announcement shall be in writing as set forth in paragraph C(3) above.

D. Endorsement

King County Washington Women Lawyers does not endorse candidates.

V. RATINGS

- A. A Chapter rating shall be effective only for the specific position or appointment with respect to which the candidate has been rated except ratings for Superior Court are also effective for courts of limited jurisdiction.
- B. When a person previously rated by the Chapter seeks re-rating for the same

position, the Committee shall use its discretion in determining if further evaluation is necessary to make a subsequent rating.

C. The Candidate may use the rating of the Chapter for three years.¹

VI. CRITERIA FOR RATING CANDIDATES

A. "QUALIFIED": Candidates for the qualified rating shall possess all the following:

1. Active membership in good standing of the Washington State Bar and in good standing in every Bar in which that person is, or has been a member.
2. Maturity, integrity, courtesy, intellectual honesty, fairness, good judgment, curiosity, common sense and freedom from bias, and a temperament appropriate to the judiciary.
3. Respect for the law, for the judicial process, and for the dignity of the court.
4. 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, gender, sexual orientation, national origin, ancestry, religion, political ideology, creed, age, marital status or physical or mental handicap, disability or impairment. This commitment and sensitivity can be evidenced by the individual's involvement in community affairs and activities, by professional background and/or by a sensitivity to issues important to women within the profession or under the law.
5. The courage and ability to make difficult decisions under stress.
6. Good legal ability and competence, as evidenced by one's legal experience and practice.
7. The ability to communicate clearly and effectively with attorneys, litigants, witnesses and jurors.
8. The energy and capacity for hard work.
9. The ability to manage pretrial and trial proceedings.
10. An interest in and commitment to working with other judges and court administrators to improve the administration of justice, including an ability to effectively administer the business of the court.

¹ The three-year rating applies to ratings in effect as of September 2002, and ratings ratified thereafter.

- B. "WELL QUALIFIED": To receive a Well Qualified rating, a candidate must excel in a significant number of the criteria necessary to receive a Qualified Rating. In addition, the Committee may consider the following:
1. Experience as a neutral decision-maker;
 2. Significant public service.
- C. "EXCEPTIONALLY WELL QUALIFIED": To receive an Exceptionally Well Qualified rating, a candidate shall possess exceptional accomplishments in a significant number of the criteria necessary to support a "Qualified" rating. In addition, the Committee may also consider accomplishments in the two additional criteria mentioned in "Well Qualified".
- D. "NORATING": A candidate shall receive a "No Rating" when:
1. The Committee has insufficient information to rate; or
 2. For any reason the Committee deems appropriate.
- E. UNQUALIFIED": A candidate shall be rated Unqualified" if the candidate fails to meet the minimum criteria for a Qualified rating.