

## **How the Judicial Screening Process of the King County Bar Association Works**

The King County Bar Association Judicial screening process utilizes a representative body of the King County Bar Association in its 73-member judicial screening committee. The committee undertakes a fair and comprehensive rating process designed to create a high quality bench and assist the public by providing them with important information on judicial candidates. The King County Bar Association invites judicial candidates for contested judicial elections to participate in this thorough, three-part screening process.

### **Uniform Judicial Evaluation Questionnaire**

First, candidates complete the Uniform Judicial Evaluation Questionnaire from the Governor's Office. That questionnaire covers:

- Professional history;
- Bar association and professional society membership;
- Nature and extent of law practice;
- Trial experience;
- Significant matters handled;
- Judicial interest and experience;
- Experience as a neutral decision-maker;
- Significant mediation experience;
- Educational background;
- Court committees or administrative positions held;
- Public offices held;
- Professional and bar activities;
- Publications;
- Community and civic activities;
- Business leadership activities;
- Honors received;
- Statements of judicial interest and philosophy.

### **Reference Checks**

In order to insure full disclosure and candor, the portions of the questionnaire related to checking references are used only by the Judicial Screening Committee. Those portions cover questions of a private or privileged nature regarding disciplinary matters, claims, suits or complaints filed against the candidate, or other involvement as a party in legal proceedings. References requested come from the following categories, most of which cannot be avoided by the applicant, including:

- Opposing counsel;
- Attorneys appearing before the candidate as a judge or neutral decision-maker;
- Non-attorneys;
- Judges and opposing counsel from the last five trials in which the candidate participated;
- Additional attorneys familiar with the candidate's professional qualifications, skills, experience or attributes.

In addition, the candidates must complete a Supplemental Questionnaire that requests additional references from the following categories of attorneys:

- Past attorney supervisors or attorneys who have reviewed and are familiar with the candidate's work;
- Counsel and judges in appellate matters.

Committee members are assigned to contact the listed references by telephone. After being promised confidentiality, the references are encouraged to speak with full candor about their own knowledge of and experiences with the candidate and to evaluate the candidate's qualifications, strengths, and weakness for the position sought.

### **Candidate Interview**

The Committee convenes with a panel of at least 12 members to carefully review and consider the questionnaire, the information from the listed references and conduct a twenty-minute personal interview with the candidate. The interview consists of questions pertaining to qualifications for the office as well as issues raised by the questionnaire, reference checks, or other information received. The candidate is provided an opportunity for closing remarks.

Thereafter, the Committee deliberates and, by secret ballot, votes to rate the candidate, based upon the written criteria of the Committee's Rules and Procedures. An adequate rating requires a majority vote. The higher ratings require a "super-majority" vote of two-thirds of the members present.

### **Rating Criteria**

The criteria for rating candidates are uniform and objective and have been used substantially in the same form for the past twenty-five years. These criteria measure an individual's suitability to serve in a judicial position. When applying the rating criteria, the screening committee evaluates each candidate against the same criteria. There is no ranking of candidates or comparison of one candidate against another.

The criteria are as follows:

- a. Maturity, integrity, courtesy, intellectual honesty, fairness, good judgment, curiosity, and common sense;
- b. 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. This commitment and sensitivity can be evidenced by the individual's involvement in community affairs and activities, professional practice, and personal and professional background.
- c. The courage and ability to make difficult decisions under stress.
- d. The competence, ability and experience (which may include trial experience) to manage pretrial and trial proceedings, including administrative proceedings, arbitration, settlement conferences, and commissioner or magistrate responsibilities. It should include

an 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, and other participants in the process.

- e. The ability to work with a wide variety of subject matter.
- f. Excellent legal ability and confidence, and demonstrated excellence in legal work and practice.
- g. The energy and capacity for hard work.
- h. The potential for ongoing professional development and demonstrated leadership in the profession.
- i. The ability to communicate clearly and effectively, orally and in writing, with attorneys, litigants, witnesses, and jurors.
- j. Interest and commitment to working with other judges and court administrators to improve the administration of justice.

### **Rating Levels**

Individual rating levels are:

"Exceptionally Well Qualified"-- "Well Qualified"-- "Qualified" -- "Not Qualified." The Judicial screening committee also has the discretion to decline rating a judicial candidate, with statements of reason --"Insufficient Information to Rate" or "Declined to Participate" or to give a rating with the notation, "Failed to Cooperate fully with the Judicial Screening Committee."

Source: <http://www.votingforjudges.org/09gen/rating/kcba.html>