

Sonoma County Bar Association
Judicial Evaluation Committee Operating Rules
Revised by the SCBA Board of Directors 3-16-09

The Operating Rules of the Judicial Evaluation Committee shall be as follows:

1. **Statement of Purpose.** The purpose of the Committee shall be to evaluate the qualifications of all candidates seeking appointment to the office of Judge of the Sonoma County Superior Court; to the office of Justice of the First District Court of Appeal of the State of California; and to the office of Justice of the Supreme Court of the State of California.

2. **Definitions.**

The term “Association” means the Sonoma County Bar Association (SCBA).

The term “Board” means the Board of Directors of the Sonoma County Bar Association.

The term “Committee” means Judicial Evaluation Committee.

3. **Committee Membership and Selection.**

3.1. **Committee Membership and Terms of Office.** The Committee will be a standing Committee of the SCBA with at least five voting members, and no more than thirteen voting members. Members shall be appointed to staggered two year terms beginning on May 1 of each year. Terms may be extended by one year upon the recommendation of the SCBA President and approval of the SCBA Board of Directors.

3.2 **Section of the Committee Members and Officers.** The Committee Chair, Vice-Chair and members will be appointed by the Association President with the advice and consent of the Association’s Board of Directors.

It is desirable that a broad cross-section of the Association be represented and that the members are persons of recognized standing, good judgment and independence. To the extent possible, the members should include women, minorities, public officials (District Attorneys and Public Defenders), sole practitioners and lawyers practicing in small, medium and large firms.

The President should appoint as members of the Committee only those attorneys who are members of SCBA and are willing to make the time commitment essential for quality evaluation. The President shall avoid any political considerations in the choice of members.

Sonoma County Bar Association
Judicial Evaluation Committee Operating Rules
Revised by the SCBA Board of Directors 3-16-09

Each member shall forbear making reference to and affirmatively assume responsibility for preventing the use of, or reference to, his or her membership on the Committee in connection with any candidacy for appointment or election to any judicial office within the jurisdiction of the Committee.

3.3 Ex-Officio Members. The President, Vice-President and immediate Past President of the Association shall be non-voting ex-officio members of the Committee, and shall be given notice of all Committee meetings.

3.4 Removal of Committee Members. On a showing of good cause, the Association's Board of Directors may remove a member from the Committee before the expiration of the member's term. Good cause shall include, but is not limited to: (1) the unexcused failure to attend Committee meetings or perform Committee work; or (2) a breach of the duty of confidentiality; or (3) the existence of a conflict of interest as set forth in paragraph 4, or (4) failure to maintain membership in good standing in SCBA, as determined by the Board of Directors.

3.5 Rules of Order. Where necessary, Robert's Rules of Order shall govern the proceedings at all meetings of the Committee.

4. Conflicts of Interest.

4.1 Procedures for Disqualification. Candidates may submit to the Committee Chair a written request seeking the disqualification of any Committee member they believe cannot conduct an impartial evaluation. Committee members may also disqualify themselves on the same basis.

4.2 Standard for Disqualification. The Committee should endeavor to avoid even the appearance of partiality or bias. The Committee Chair shall rule on all requests for disqualification, and shall notify the candidate in writing of the decision.

5. Standards of Evaluation.

The Committee will rate candidates using the following scale:

“Exceptionally Well Qualified”: Possessing qualities and attributes considered to be of remarkable or extraordinary superiority so that without real doubt, the candidate is deemed fit to perform the judicial function with distinction.

Sonoma County Bar Association
Judicial Evaluation Committee Operating Rules
Revised by the SCBA Board of Directors 3-16-09

“Well Qualified”: Possessing qualities and attributes considered sufficient to perform the judicial function with a high degree of skill and effectiveness.

“Qualified”: Possessing qualities and attributes considered sufficient to perform the Judicial function adequately and satisfactorily.

“Not Qualified”: Possessing less than the minimum qualities and attributes considered necessary to perform the judicial function adequately and satisfactorily.

“Unable to Qualify”: The Committee did not receive sufficient information from persons who know this candidate to fairly and adequately evaluate this candidate’s ability to perform the judicial function.

6. Evaluation Procedure and Investigation.

6.1. Persons to be Evaluated. The Committee shall evaluate those candidates whose names have been submitted to JNE for appointment to the office of Judge of any of the Courts described in the foregoing Purpose of the Committee. Whenever a Judgeship vacancy exists on any of said Courts and the vacancy is to be filled by appointment, the Committee may notify all members of the Association of said vacancy and may invite suggestions of names of Judges or members of the Bar of the State of California to be considered by the Committee.

To be evaluated by the Committee, a person must have formally applied to the Governor’s office for the particular position sought. To be eligible for consideration and evaluation by the Committee, a person shall be required to answer any questionnaire that is prepared by the Committee unless the Committee finds good cause to the contrary as to any particular person. The Committee may determine to use information contained in the Personal Data Questionnaire (PDQ) submitted to the Governor’s office in lieu of any specially prepared questionnaire.

6.2 Investigation Teams. The members of the Committee shall form two or more person teams in a drawing by lot to conduct an investigation of the qualifications of each candidate for appointment and candidates shall be assigned to teams in like manner for investigation. In conducting its investigation, the teams shall inquire into the following attributes of the candidate:

1. Judicial temperament
2. Intellect and ability

Sonoma County Bar Association
Judicial Evaluation Committee Operating Rules
Revised by the SCBA Board of Directors 3-16-09

2. Knowledge of the Law
4. Trial experience
5. Professional experience
6. Industry and work habits
7. Decisiveness
8. Fairness and objectivity
9. Courtesy and patience
10. Humor and perspective
11. Judgment and common sense
12. Compassion and understanding
13. Integrity and honesty
14. Administrative ability
15. Community respect
16. Writing and research skills
17. Any other relevant matters of concern

In order to obtain information to supplement that contained in any questionnaire or personal data information given to the Committee by the candidate, members of the investigating team shall confer with judges or others having knowledge of the candidate's aforementioned attributes, and may take other reasonable steps to obtain information, including soliciting input by means of a Confidential Questionnaire (CQ).

6.3 Candidate Interviews. When the investigation teams have completed their review of the PDQs, CQs, and their follow-up investigation, they shall offer each candidate the opportunity to meet with the members of the Committee to discuss the candidate's qualifications and to respond to any credible negative information that may have been presented to the investigation teams. Consistent with obligations of confidentiality, all credible adverse information received by the investigation teams or the Committee should be disclosed to the candidate before or during the interview.

6.4 Confidential Questionnaires

6.4.1 Nature of the Questionnaire. A Confidential Questionnaire (CQ) is designed to solicit information about judicial candidates from persons other than the candidate.

6.4.2 Dissemination and Return. The Committee may disseminate CQs to members of the Association and to other groups and individuals as it deems appropriate. The candidates shall provide stamped, addressed business envelopes containing the names of 25 persons who know them for evaluation purposes. The CQ will specify that

Sonoma County Bar Association
Judicial Evaluation Committee Operating Rules
Revised by the SCBA Board of Directors 3-16-09

completed questionnaires should be marked “Confidential” and returned to the SCBA Judicial Evaluation Committee in care of the Association.

6.4.3 Contents. The CQ will require respondents to provide their name, address and phone number. Any CQ not including this information shall not be considered by the Committee. A respondent, however, may request that his or her identity not be disclosed to anyone other than the investigating subcommittee. The CQ will solicit the respondent to identify other persons who know the candidate well.

6.4.4 Review of Questionnaires. The investigation teams should investigate all credible information received and make reasonable efforts to contact a sufficient number of CQ respondent to assure itself that it has a comprehensive picture of the candidate. It should, at a minimum, attempt to contact all respondents who provided negative information about the candidate, even if the respondent gave the candidate an overall satisfactory rating.

6.5 Evaluation. Each team shall prepare a detailed oral report of their candidates, including suggested evaluations, for presentation to the other Committee members at the evaluation meetings. Pertinent information obtained by other members of the Committee may be presented. If the candidate did not cooperate with an investigation, the Committee should make best efforts to complete an objective evaluation, but the candidate’s lack of cooperation may be considered.

6.6 Evaluation Meetings and Voting. The Committee shall meet to evaluate the candidates.

6.6.1 Quorum. A quorum at all evaluation meetings shall be one - half of the voting membership of the Committee.

6.6.2 Ranking. The Committee may rank all candidates evaluated by the Committee for any one judicial office in the order of the preference established by the Committee.

6.6.3 Voting. Following due deliberation, the Committee shall evaluate each candidate. The Committee will vote for a rating to be assigned to each candidate, using the ratings provided for in Rule 5. If the first tally shows votes for each of the ratings, the rating with the fewest votes will be eliminated and a second tally taken, so that the

Sonoma County Bar Association
Judicial Evaluation Committee Operating Rules
Revised by the SCBA Board of Directors 3-16-09

assigned rating represents a majority of the Committee members voting on the particular candidate. The Chairperson shall break any tie.

6.7 Report. The Chairperson shall report the Committee's final evaluations in writing to the President of the Association, who shall communicate the report to the Governor's Office.

7. Confidentiality and Retention of Committee Documents.

7.1 General Duties of Confidentiality. Strict adherence to rules of confidentiality is essential to enable the Committee to perform its assigned function. All investigations, questionnaire responses, interview records, discussions, proceedings and evaluations of the Committee shall be absolutely confidential. No member of the Committee shall disclose to anyone not a member of the Committee any actions taken by the Committee or any matters discussed at a Committee meeting pertaining to the rating of any candidate evaluated by the Committee. The votes or comments of individual Committee members shall not be disclosed, nor shall the numerical votes of the Committee as a whole be disclosed.

7.2 Confidentiality as Part of the Investigative Process. Committee members shall not discuss information received about any candidate with any person except for the purpose of confidential inquiry during the investigation process. Sources of specific information shall not be disclosed to any candidate, and Committee members shall take all reasonable precautions to ensure that any information disclosed to a candidate does not inadvertently reveal a confidential source.

7.3 Pledge of Confidentiality. Before accepting his or her appointment, each member of the Committee will sign a pledge to adhere to the obligations of confidentiality imposed by these rules.

7.4 Breaches of Confidentiality. The Chair of the Committee shall recommend to the SCBA Board of Directors the immediate removal of any Committee member who breaches the duties of confidentiality.

7.5 Retention and Destruction of Committee Documents. All Committee documents shall be promptly destroyed after the results of the evaluation have been communicated to the Governor, to preserve the confidentiality of the Committee's deliberations.

Sonoma County Bar Association
Judicial Evaluation Committee Operating Rules
Revised by the SCBA Board of Directors 3-16-09

8. Miscellaneous.

8.1 Amendment of the Committee Rules. The Board of Directors of the Sonoma County Bar Association may amend these rules and regulations and adopt additional rules and regulations governing the deliberations of the Committee, its procedures and decisions which are consistent with the purpose of the Committee.

Sonoma County Bar Association
Judicial Evaluation Committee Operating Rules
Revised by the SCBA Board of Directors 3-16-09

CONFIDENTIALITY AGREEMENT

I hereby accept appointment to the Judicial Evaluation Committee of the Sonoma County Bar Association and agree to comply with each of the following conditions:

1. I agree not to accept an appointment to the Superior, Municipal or Appellate Courts during the period of my membership on the Judicial Evaluation Committee.
2. I agree that no information or opinions discussed or provided in the evaluation process will be made public or released to any person by me including whether any judicial candidate was or was not recommended by the Committee to the Governor for appointment to any judicial position.
3. I agree that I will not inform any person, or infer to any person, that a positive evaluation from the Judicial Evaluation Committee is necessary or advisable in securing an appointment to any judicial position.
4. I agree to perform my duties as a member of the Judicial Evaluation Committee in accordance with the Operating Rules and agree to be bound by those Rules.
5. I understand that any violation of these Operating Rules will result in my automatic removal from the Committee.

Executed this ____ day of _____, 20____

(Signature)

(Print Name)

Return completed form to:

Sonoma County Bar Association
111 Santa Rosa Avenue, Suite 222
Santa Rosa, CA 95404-4945
P: 542-1190 x22
F: 542-1195
peter@sonomacountybar.org