

DECALOGUE SOCIETY OF LAWYERS
JUDICIAL EVALUATION COMMITTEE
Justice, justice you shall pursue... (Deut. 16:20)

In order to do this, the workings of the Judicial Evaluation Committee must not only be fair and impartial, they must be seen to be so, both substantively and procedurally. The evaluations and ratings are done by a separate Decalogue Committee (the JEC) that does not report to or need the concurrence of any Officer or Board Member. Decalogue believes that this ensures the independence of the JEC and the fairness of the ratings. The JEC is composed of DSL members in good standing (non-candidates) who have committed to or participated in at least two Alliance interview dates per year (July 1 - June 30). Completing an investigation of a judicial candidate is the equivalent of 2 interview dates.

All communications regarding a rating, or our process, should be directed to the JEC co-chairs; neither the President, Officers, or Board of Managers have any authority to change a JEC evaluation. Under no circumstances should an applicant, nor anyone on his/her behalf, contact any of the aforementioned persons or groups during the appeal process. Any violation of this rule will reflect negatively on the candidate during appeal deliberations.

The JEC, a member of the Alliance of Bar Associations for Judicial Screening, strives to avoid consideration of politics, gender, gender identity, age, disability, ethnicity, race, religion, socio-economic status, or sexual orientation in its evaluations and ratings. **All Alliance and DSL JEC proceedings are strictly confidential.** We base our evaluations for both elective and appointive candidates on the following criteria:

INTEGRITY: honest, forthright, impartial, ethical, independent

PROFESSIONALISM: bar or community activities, pro bono work

DILIGENCE & PUNCTUALITY: preparation, accuracy and completeness in the form and substance of statements, rulings, orders, opinions, and documents; timeliness in appearances, filings, orders, rulings, opinions, and follow-up

EXPERIENCE: date of admission (10 years at time of application), areas of practice, depth and breadth of practice, complexity of practice, litigation (jury, bench, administrative), quasi-judicial, appellate advocacy, teaching, authorships

KNOWLEDGE & ABILITY: knowledge and application of substantive, procedural, and evidentiary laws, knowledge and application of court rules and procedures, writing ability, legal analysis, CLE participation, ability to articulate clearly and concisely, viewed as a resource by others

TEMPERAMENT: civil (to court, counsel, litigants, support staff, and others), calm, patient, respectful, able to listen, open-minded, able to appreciate all sides of an issue, humble, service oriented

DIVERSITY AWARENESS: cognizant of and sensitive to issues of religion, religious observance, gender, gender identity, sexual orientation, race, ethnicity, national origin, disability, age and/or socioeconomic status.

HEALTH/AGE: capable of performing the duties of a judge

Our ratings are defined as follows:

NOT RECOMMENDED: fails to demonstrate competence in one or more criteria

RECOMMENDED: demonstrates competence in all criteria

HIGHLY RECOMMENDED: in addition to demonstrated competence in all criteria, with excellence in more than one criteria, the Highly Recommended candidate must have at least 15 years of legal practice, AND committed pro bono or community involvement, AND significant recent complex adversarial litigation experience.

Please note: We do not give “Highly Recommended” ratings to retention candidates, consistent with the majority of Alliance bars, as voters are asked only to retain or not retain a judge.

All ratings have expiration dates. Positive ratings expire four years from the dates indicated below; negative ratings expire three years from the dates below:

For candidates being considered for appointment by the Supreme Court: from the original date ratings are due to the Supreme Court.

For associate judge candidates: from the date ten days after the last interview date of the cycle.

For candidates running in the primary election, or for candidates seeking retention: ratings expire from the date of the relevant election.

Any use of an expired rating without the express written consent of the issuing bar is strictly prohibited. No rating is to be used or referred to as an endorsement.

THE EVALUATION PROCESS

Decalogue is a member of the Alliance of Bar Associations for Judicial Evaluation. As such, we adhere to the Alliance Guidelines and Process for Judicial Evaluation, in addition to our own criteria, policies, and procedures. Familiarity with both our and the Alliance Guidelines and Process is required to serve on the DSL JEC. The work of the Alliance and the DSL JEC is **strictly confidential**.

Investigation

All judicial candidates are invited to complete an Alliance questionnaire.

The Alliance Administrator randomly assigns 1 - 2 investigators to each candidate.

Investigators are volunteers from the constituent bars who have undergone Alliance training in investigation policies and procedures.

Investigators inform the Administrator if they have a conflict or the appearance of impropriety with any particular candidate; if so, they are re-assigned.

Investigators attempt to contact most, but usually not all, of the candidate's references. In addition, they seek 'off-list' contacts who are familiar with the candidate's qualifications.

Investigators prepare a report based on the candidate's: legal knowledge & ability; sensitivity to diversity or bias; character, integrity & impartiality; judicial temperament, diligence & punctuality, and health & age.

Interview

The Administrator schedules candidate interviews in consultation with the candidate, and publishes the schedule to the constituent bars.

Interviews are scheduled for 15 - 20 minutes per candidate.

Representatives from each constituent bar (evaluators) have the candidates' materials and investigation report available at the interview.

Evaluators may question the candidate about issues relevant to their qualifications.

When an interview schedule is published, DSL JEC co-chairs solicit volunteers from the JEC to participate as evaluators.

Co-chairs attempt to have at least 2 - 3 evaluators per room. Evaluators are required to have read the DSL JEC and Alliance criteria and guidelines before participating in an interview; they are expected to have read the candidates' materials as well.

Evaluators fill out the DSL interview form, which consists of a narrative and a rating. Our criteria substantially mirror those of the Alliance.

Ratings

The Administrator sets a deadline for final ratings.

Each bar follows its own criteria, policies and procedures in issuing its rating.

For voter-participation elections, the Alliance supplies a grid (voteforjudges.org) with candidates' ratings from all of the constituent bars.

The DSL rating is based on the majority of our evaluators' ratings. Although evaluators are encouraged to confer before finalizing their ratings, in the event that there is an even split among evaluators, the rating collapses to the middle (HR/R = R; NR/R = R).

Co-chairs may meet at any time to discuss and resolve any issues affecting the ratings, policies, process, or procedures of the JEC.

Appeals

The JEC appeals committee may consist of the JEC co-chairs, co-chairs emeriti, the evaluators (they cannot vote on the final rating), and any JEC member who has participated in at least four interview dates in the past year. Committee members who intend to attend the meeting are provided with the candidates' Alliance materials, investigators' report, DSL interview notes, DSL rating letter, and the candidates' appeal materials before the meeting. Reading the materials before the meeting is required. Telephone participation is allowed only by prior consent of a co-chair; any technical failure with the telephone participation will not result in a delay of the vote. Proxy votes are not allowed. Robert's Rules are generally followed in conducting the meeting; however, the meeting chair will set time limits on all participants and may call the vote at any time. The appeals committee may hear from the evaluators (who do not vote on the final rating); the committee discusses the submitted material and any other relevant information, and votes on a final rating. Final ratings are submitted to the Alliance for publication (to the elective/appointive authority) and are submitted for publication on the DSL website, for elective judgeships.

All appeals must comply with the requirements below. An appeal from an 'R' rating may result in the rating being raised, lowered, or remaining the same. The highest rating available to retention candidates is Recommended.

Appellants should state the basis of the appeal in writing, and supply any supporting documents, in a timely fashion. Appellants should directly address the issues raised in the ratings letter. Testimonials will not be considered unless they speak to the issues in the ratings letter. New evidence is allowed only if raised regarding the ratings issue AND the candidate asserts in their appeal letter that they were not aware of the issue at their interview. Appeal dates are firm; late submissions are not considered without prior permission of the chairs. **Electronic submissions are required.** The DSL JEC does not conduct interviews or in-person appeals. Any previous DSL ratings are considered, but are not dispositive.

The standard of review is:

abuse of discretion, if 3 or more evaluators agree on a rating;
against the manifest weight, if two evaluators agree;
de novo, if there is only one evaluator.

As the appeal is treated as a motion to overturn, tie votes of the appeals committee do not change the original rating.

The DSL JEC reserves the right to change any rating at any time based on newly acquired third party information, after notice to the candidate, and opportunity to respond. On motion of the co-chairs, an appeal-qualified committee may be convened to review the newly acquired information and the candidate's response to determine if the rating should be changed.

Each of the Alliance bar associations has its own process for evaluations and appeals. The Decalogue Society of Lawyers Judicial Evaluation Committee is independent of the DSL Officers and Board. Neither the President, Officers, nor Board of Managers have any authority to change a JEC rating. The DSL JEC appeals process is the same for anyone who chooses to appeal a rating. All communications regarding a rating, or our process, should be directed to the JEC co-chairs; any attempt to contact the President, Officers or Board of Managers may affect the rating negatively. Our commitment to confidentiality does not permit us to disclose the reasons for the rating to third parties.