

**RULES OF PROCEDURE
JUDICIAL ELECTIONS EVALUATION COMMITTEE
LOS ANGELES COUNTY BAR ASSOCIATION
ADOPTED BY THE BOARD OF TRUSTEES
MAY 27, 2015**

1. Applicability of Rules

These Rules of Procedure regulate the conduct of the Judicial Elections Evaluation Committee ("Committee"). Neither these Rules of Procedure nor any action taken by the Committee, the Los Angeles County Bar Association ("LACBA"), or any of its members, shall be construed to create a contract, express or implied, with any individual being evaluated by the Committee. Additional rules governing the Committee are set forth in the Handbook.

2. Organization

A. Membership

The membership of the Committee shall consist of at least twenty persons, including a Chair and one or more Vice-Chairs, all to be appointed by LACBA's President. The President may increase the membership, if desirable, to enable the committee to perform its functions expeditiously and may fill vacancies on the committee. The terms of members shall be two years, and a member can serve multiple consecutive terms. LACBA's President shall appoint the Chair for two years, and may reappoint the Chair for additional two-year terms at the President's discretion.

The President shall appoint as members lawyers of high repute and professional standing who are willing to make the time commitment essential for a quality evaluation. It is desirable that a broad cross-section of the Bar be represented on the Committee, including women, minorities, public officials, such as district attorneys and public defenders, and lawyers practicing in small, medium and large law firms. It is also desirable that members should have courtroom experience.

B. Conflict of Interest

1. As used in these rules, "Judicial Candidate" means any person seeking election or re-election to any Superior Court within Los Angeles County.
2. The purpose of the Conflict of Interest rule is to ensure that no Committee member is involved in any activities that would affect or cast doubt on his or her impartiality or on the impartiality of the Committee as a whole.

3. Depending on the circumstances, if a Committee member is found to have violated this section, the President may (1) exclude the member from future Committee meetings within a certain time period; (2) remove the member from the Committee; (3) exclude the member from serving on any other LACBA committee; or (3) impose such other discipline as may be proposed by the Committee Chair or LACBA officers.
4. Committee members may not:
 - (a) Contribute any funds or donate any services to any Judicial Candidate;
 - (b) Publicly or privately acknowledge or state any support for or opposition to any Judicial Candidate; or
 - (c) Participate in the decision-making process of any organization that supports or opposes Judicial Candidates, with respect to that organization's support of or opposition to Judicial Candidates.

A Committee member who violates the rules contained in this paragraph 4 shall be ineligible to continue as a member.

5. All Committee members are personally responsible for avoiding any conflict of interest, bias, or prejudice that may interfere with their or the Committee's ability to discharge their duties. If any Committee member has or has had any significant professional, business, social, political or other relationship, including an adversarial relationship, direct or indirect, with a Judicial Candidate, the Committee member shall advise the Chair of those circumstances, although such information shall also be available to the applicable subcommittee or vice-chair. The Chair shall then evaluate whether, in light of those circumstances, the member should remain on the Committee and, if so, whether the member should be disqualified from participating in the evaluation of any particular Judicial Candidate or the candidates for any particular office. The Chair may also independently initiate such an evaluation on the basis of information known to the Chair. In either case, the Chair shall make a preliminary determination as to whether the member should remain on the Committee or be disqualified from evaluating particular Judicial Candidates.
6. A Judicial Candidate shall have the right to seek disqualification of any Committee member based upon a conflict of interest as defined above. Within seven (7) days of the date written notice is sent to the Judicial Candidate of the names of the members of the Committee, the candidate shall submit to the Chair (unless it is the Chair whose disqualification is sought, and then to a Vice-Chair) the name(s) of any member(s) of the Committee with whom the Judicial Candidate

claims a conflict of interest and set forth the basis and the facts upon which the conflict of interest exists. The Chair shall investigate the claim of conflict of interest and, if the Chair determines that such a conflict exists, shall notify the member of the Committee, and the member shall not participate in either the work of the subcommittee or the deliberations and the vote of the Committee on such candidate.

7. All investigations and proceedings of the Committee and its subcommittees shall be treated as confidential. All inquiries concerning the Committee's proceedings shall be referred to the Chair or, if unavailable, to a Vice-Chair. Names of persons giving information to members of the committee shall not be reported to a subcommittee or the Committee if the person so requests. The sources of information about a candidate shall not be disclosed to the Judicial Candidate when he or she appears before the Committee or subcommittee, unless the source consents. However, if a Judicial Candidate or his or her representative reveals any tentative rating, investigations or proceedings by the Committee, then he or she will be deemed to have waived any right to confidentiality. If a Judicial Candidate or his or her representative publicly misrepresents a tentative rating, the confidentiality waiver shall include consent to release by the Committee of the actual tentative rating.
8. Before beginning service on the Committee, each member shall execute an Agreement Regarding Confidentiality and Conflicts of Interest in the form of Exhibit A to these rules.
9. Members are encouraged to delete or return all materials received or used in the course of the evaluation after the ratings are published. In general, LACBA will keep Personal Data Questionnaires until the following judicial election and will destroy Confidential Questionnaires immediately after the ratings are published.
10. An important purpose of the Committee is to investigate the qualifications of candidates for judicial office and to report its ratings to the public. Many sources will not provide information to the Committee about a Judicial Candidate without an assurance by the Committee that the information will be held confidentially and that the identity of the source will not be revealed to anyone outside the Committee. As such, to protect the deliberative process of the Committee and the confidentiality of its sources, all materials received or used in the course of the investigation should be treated as privileged and held confidentially.
11. If the Committee is asked by another deliberative body evaluating judicial candidates, such as the LACBA Judicial Appointments Committee, for information about a Judicial Candidate evaluated by

the Committee, the only information that the Committee will provide is the Judicial Candidate's Personal Data Questionnaire.

C. Subcommittees

The Chair may divide the Committee into equal or near equal subcommittees chaired by the Vice-Chairs to expedite the evaluation of candidates.

D. Quorum and Voting

A majority of the total membership of the Committee shall constitute a quorum. If the Committee is divided into subcommittees for the evaluation of candidates, a majority of the members of any section shall constitute a quorum of such subcommittee. Actions of the Committee or subcommittee shall be by majority vote of members present, except as to the rating of candidates. Those votes shall be as follows:

<i>Vote</i>	<i>Ranking</i>
More than 50%*	Qualified
More than 60%	Well Qualified
More than 75%	Exceptionally Well Qualified

* Percentage of Committee members present at the full Committee meeting where the vote is conducted.

A candidate who does not receive a majority of votes as Qualified or higher shall be ranked "Not Qualified."

3. Purpose

A. Evaluation

The Committee shall evaluate and rate the qualifications of all candidates whose names appear on the ballot for the office of judge of the Superior Courts of Los Angeles County.

B. Standards

The Committee shall evaluate candidates as "Exceptionally Well Qualified," "Well Qualified," "Qualified," or "Not Qualified."

Exceptionally Well Qualified - Possesses 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.

Well Qualified - Possesses professional ability, experience, competence, integrity and temperament indicative of superior fitness to perform the judicial function with a high degree of skill and effectiveness.

Qualified - Possesses professional ability, experience, competence, integrity and temperament indicative of fitness to perform the judicial function satisfactorily.

Not Qualified - Lacks one or more of the qualities of professional ability, experience, competence, integrity and temperament indicative of fitness to perform the judicial function satisfactorily.

4. Evaluation Procedure and Investigation

A. Communications with Judicial Candidates

All communications of a substantive nature regarding the evaluation process, other than interviews, appeals and other appearances before any subcommittee or the Committee, between any member of the committee and any Judicial Candidate, including notification of negative criticisms, both before and after interviews, shall be in writing or, if oral, be memorialized immediately with the Judicial Candidate.

B. Notice to Judicial Candidates

The LACBA Liaison shall send a Personal Data Questionnaire to each Judicial Candidate with a request to complete and return it to the Liaison. The Personal Data Questionnaire shall be accompanied by a copy of the Rules of this Committee, a list of the members of the Committee, and notice of the Judicial Candidate's right to seek disqualification of any Committee member based upon a conflict of interest, as provided in Rule 2.B.6.

C. Investigating Subcommittee

The Chair shall appoint one or more subcommittees, each composed of a vice-chair and at least one member, to conduct an investigation of the qualifications of each Judicial Candidate.

In conducting its investigation, the subcommittee shall inquire, among other matters, into the following attributes of the candidates.

1. Integrity and character
2. Judgment and intellectual capacity
3. Fairness

4. Experience
5. Industry and diligence
6. Judicial temperament, including whether the candidate would be courteous and considerate of counsel, parties, witnesses and jurors, and whether the candidate is even-tempered.
7. Professional ability and knowledge of the law
8. Health problems that affect the ability to serve as a judge
9. General reputation in the community
10. Civic and community activities
11. Candor in preparing the Personal Data Questionnaire and list of references, and responding to inquiries by Committee members
12. Other relevant matters of concern

In order to obtain information to supplement that contained in the Personal Data Questionnaire, members of the subcommittee shall confer with judges, lawyers and others having knowledge of the candidates' aforementioned attributes and may take other reasonable steps to obtain information. Efforts shall be made to verify all information, and special effort shall be made to verify information from sources who decline to have their names disclosed to the Committee.

D. Interview with Subcommittee

Each Judicial Candidate shall be afforded an opportunity to be personally interviewed by a subcommittee, including the member assigned to investigate that candidate, and the Vice-Chair of that subcommittee.

E. Other Action

The LACBA Liaison shall cause to be published as early as practicable a notice on the LACBA website (www.lacba.org), in the LACBA publication "Update," or such other LACBA publication as may be current at the time, a list of all candidates for judicial office, inviting LACBA members to evaluate the candidates in writing addressed to the LACBA Liaison and marked "Personal and Confidential," care of LACBA or to complete Confidential Questionnaires electronically.

The Committee and Chair may take other reasonable steps in furthering the evaluation of a candidate.

F. Committee or Subcommittee Evaluation Meetings

Each subcommittee shall meet to evaluate its assigned Judicial Candidates. Subcommittees shall report to the Committee and present pertinent information about each Judicial Candidate.

Following due deliberation, the Committee shall tentatively rate each Judicial Candidate, and all Committee members shall be so advised.

Each Judicial Candidate receiving a tentative rating of "Not Qualified" shall be advised of the tentative rating and the general reasons therefor without compromising the identity of confidential sources. Each Judicial Candidate receiving a tentative rating of "Qualified" or "Not Qualified" will be given an opportunity to appeal the tentative rating and appear before the Committee to discuss the rating or comment on the reasons provided for the rating. No later than forty-eight (48) hours prior to such an appearance before the Committee, the Judicial Candidate may submit additional information to the Committee for consideration. Thereafter, the Committee shall make its final rating.

Should credible, material new information be provided to the Committee after the final rating is determined, but before the final rating is published, regardless if the Judicial Candidate provided notice of appeal of the tentative rating, the Committee can vote for a new final rating only if (a) the Judicial Candidate is provided the new information and is afforded an opportunity to address the information before the Committee, and (b) a majority of the Committee members present at a voting meeting vote in favor of taking a new vote on the final rating.

All members of the Committee shall be obligated to transmit pertinent information concerning Judicial Candidates directly to the appropriate investigating subcommittee.

G. Non-Cooperating Judicial Candidates

The Committee shall rate those Judicial Candidates who decline to return the Personal Data Questionnaire or to appear on the basis of the best information the Committee can reasonably obtain. The Committee may consider a Judicial Candidate's failure to cooperate with the Committee in rating a candidate. The Committee's report may comment on a Judicial Candidate's failure to cooperate with the Committee. The Committee will rate all Judicial Candidates whose names appear on the ballot.

H. Report

The Chair shall report the Committee's final ratings to the Board of Trustees at least three weeks before the relevant election if possible. If a Judicial Candidate is rated "Not Qualified," a brief statement of the underlying

reasons for this rating shall be set forth in the report. The Board of Trustees has delegated responsibility for such ratings and report to the Committee, and the Board of Trustees shall have no authority to modify or change, in any way, the ratings or report of the Committee. The report of the Committee shall be the report of LACBA.

The Chair shall notify each Judicial Candidate of the final rating no later than the time the report is presented to the Board.