

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the approval of the Administrative Board of the Courts, I hereby promulgate, effective immediately, the attached Appendix A to Part 150 of the Rules of the Chief Administrator of the Courts, consisting of guidelines and procedures for the operation of the Independent Judicial Election Qualification Commissions.

Chief Administrative Judge of the Courts

Dated:

AO/ /07

APPENDIX A.

Uniform Guidelines and Procedures for the Operation of Independent Judicial Election Qualification Commissions

This Appendix sets forth uniform guidelines and procedures for the operation of the Independent Judicial Election Qualification Commissions established pursuant to Part 150 of the Rules of the Chief Administrator.

Section 1. Notice of Open Judicial Positions

Each commission shall provide to all bar associations, the media and the public, within the judicial district in which the commission is established, notice of current and impending judicial vacancies that are to be filled by election in the courts in that district set forth in section 150.1 of the Chief Administrator's Rules. The notice shall also contain information regarding the commission's role and procedures.

Section 2. Meetings of the Commissions

- A.** The commissions shall meet at regularly scheduled intervals throughout the calendar year and may meet at such other times as the work of the commission may require.
- B.** Commission members may attend meetings in person or by video or telephone conference.

Section 3. Scope of the Commissions' Determinations

- A.** The commissions shall determine whether a candidate is qualified for election to the judicial office (e.g., Supreme Court) in which a vacancy exists.
- B.** Any candidate found qualified for election to a judicial office shall be deemed qualified for that judicial office for three years in the absence of any new information that may have a negative effect on his or her qualifications and background.

Section 4. Use of Subcommittees

- A.** The commissions may establish subcommittees of no fewer than three commission members to aid the commission in investigating the backgrounds and qualifications of candidates and to report to the full committee.

- B. Such subcommittees shall meet to the extent necessary to complete their assigned duties.

Section 5. Investigation of Candidates' Qualifications and Background

- A. Each candidate shall submit to the appropriate commission a completed application, on a form promulgated by the Chief Administrator and approved by the Administrative Board, that will provide information for the evaluation of the candidate's qualifications and background.
 - 1. The application shall include items designed to elicit information from the candidates concerning: professional ability, work ethic, character, independence, decisiveness, fairness, integrity, docket management and case disposition skills, temperament, respect for litigants and attorneys, legal experience, education, and scholarship.
 - 2. The application shall also inquire whether the candidate has completed the education program for judicial candidates established by section 100.5(A)(2)(f) of the Rules of the Chief Administrator and, if not, when and how that program is expected to be completed.
 - 3. The application shall be a continuing application and shall require all candidates to immediately submit to the commission any change of circumstances that would substantially change any information previously provided.
- B. The commission shall undertake an investigation of the candidates' qualifications and background.
 - 1. If the candidate is or has been a judge, these steps may include, but not be limited to:
 - a. Ascertaining the view of attorneys who have appeared before the candidate;
 - b. Ascertaining the views of Administrative or Supervising Judges familiar with the candidate's work performance, professional ability and character;
 - c. Searching records for activity with the Commission on Judicial Conduct involving the candidate;

- d. In the case of a judge who has presided over criminal or Family Court matters, ascertaining the views of the appropriate public defender or Legal Aid Society, District Attorney's office and Family Court agencies;
 - e. Reviewing professional writings of the candidate, including opinions;
 - f. Reviewing the disposition of appeals from the candidate's orders and judgments; and
 - g. Reviewing data regarding docket management and case disposition.
2. If the candidate is currently practicing law, or is a person whose current judicial experience is less than one year, these steps may include, but not be limited to:
- a. Ascertaining the views of judicial or quasi-judicial officers before whom a candidate has appeared;
 - b. Ascertaining the views of attorneys who have either appeared opposite the candidate in a litigated matter, or who have otherwise had substantial experience with a candidate;
 - c. Searching records for activity with the appropriate Departmental Disciplinary Committees involving the candidate;
 - d. Ascertaining the views of colleagues with whom the candidate has served on state or local bar association committees;
 - e. Ascertaining the views of representatives of social, civic, cultural or charitable groups to which the candidate belongs;
 - f. Ascertaining the views of other attorneys who have been in a position to supervise or otherwise evaluate the candidate's performance and his or her work product; and
 - g. Reviewing any professional writings of the candidate that may have a bearing on his or her judicial performance, including briefs and articles.

C. The commission may personally interview the candidate.

1. Consistent with the restrictions in section 100.5(A)(2)(d) of the Rules of the Chief Administrator, candidates shall not be asked any questions in the personal interview that would require them to pledge or commit to a position on any matter or issue that might come before them as a judge.
2. Candidates shall not be asked any question inquiring into their political affiliations.

Section 6. Results of Evaluation Process

- A. Each commission shall notify each candidate, in writing, whether the candidate is qualified for election to the judicial office, not qualified for election to the judicial office, or has not complied with the commission's evaluation process. The commission's written notice informing a candidate that he or she has been found qualified for election to the judicial office shall be accompanied by a statement of ethical guidelines addressing the permitted uses of the commission's rating in any campaign for judicial office.
- B. Pursuant to section 150.5(e) of the Rules of the Chief Administrator, each commission shall publish at such times as it may determine, but not less than annually, an alphabetical list of those of candidates found qualified for election to judicial offices.
 1. The commission shall make the list available to the public, including but not limited to publishing the list in local newspapers and notifying bar associations and other civic groups.
 2. There shall be no communication to the public regarding those candidates who did not participate in the commission's evaluation process or who are found not qualified for election to a judicial office, nor shall the commission provide any additional comment or information regarding any approved candidate other than the written notice provided for herein.

Section 7. Rehearings

- A. Any candidate found not qualified for election to a judicial office may request a rehearing before the commission by making a written request to the commission's chair within 20 business days following the date of notification of the commission's decision.
- B. In support of a rehearing application, the candidate may submit additional material and may request an interview with the commission.

- C. The commission shall advise the candidate promptly, in writing, after its determination of the candidate's application upon rehearing.
- D. In the event the candidate, upon rehearing, is found qualified for the judicial office, the commission shall add his or her name to the publicly available list of candidates found qualified for election to the judicial office. The commission shall also provide the candidate with a statement of ethical guidelines addressing the permitted use of the commission's rating.