

## **Judicial Candidates Rating Coalition ("JCRC")**

### **Governing Rules**

#### **Section 1: Definitions**

"JCRC Organization" or "Organization" means any of the organizations that now make up the Judicial Candidates Rating Coalition (the Asian American Bar Association of Ohio, the Norman S. Minor Bar Association, the Cleveland Metropolitan Bar Association, the Ohio Women's Bar Association and the Cuyahoga County Criminal Defense Lawyers Association) and such additional organizations as may be added pursuant to Section 3. "Committee" means the Judicial Selection Committee (or other similar Committee) of any of the JCRC Organizations; "Member" means an individual lawyer or non-lawyer member of any of the Committees.

#### **Section 2: Statement of Purpose**

The purposes of the Judicial Candidates Rating Coalition ("JCRC" or "Coalition") shall be to promote the free exchange of ideas concerning the qualifications of Candidates for local and statewide judicial office while retaining the individual autonomy of each JCRC Organization to issue individual ratings of the Candidates; to streamline the interview process by conducting group interviews by JCRC and using one general questionnaire; and to cooperate in the joint publicity of the various ratings by the Coalition Organizations to better make the community aware of the ratings issued by the JCRC.

#### **Section 3: Organization**

**3.1 Committee Members:** JCRC Organizations participate in the Coalition through their Committees and the Members of the Committees. Membership of the individual Committees shall be determined by the rules of each individual Committee and its corresponding Organization. All Members of the Committees shall be entitled to participate in the Coalition interviews and deliberations, except as provided in Section 6 .

**3.2 Executive Committee:** JCRC acts through its Executive Committee. The Executive Committee of the JCRC shall be comprised of no more than two persons ("Representatives") from each member Committee, designated by that Committee and a Chair and Vice Chair, or co-Chairs, chosen by the Executive Committee. A Chair or Vice Chair shall not simultaneously serve as one of the Representatives from any member Committee who serves on the Executive Committee. The Co-Chairs, or the Chair and Vice Chair shall serve 3 year terms, and may serve more than one term.

**3.3 Voting:** All Coalition votes conducted under these rules shall be by the Executive Committee. Each JCRC Organization shall be limited to one vote on matters pending before the

Executive Committee. Neither a Chair nor a Vice Chair shall vote on issues before the Executive Committee

**3.4 Quorum:** A quorum of the JCRC Executive Committee shall consist of representation of four of the five member Committees of the JCRC.

**3.5 Simple Majority:** For purposes other than amending these rules, decisions of the JCRC may be made by the affirmative vote of a simple majority once a quorum is established.

**3.6 Rule Amendments:** In order to amend these rules, the affirmative vote of at least two-thirds of the JCRC Organizations is required.

**3.7 Adding Member Organizations:** In order to admit new member organizations, an affirmative vote of all of the then existing JCRC Organizations is required.

#### **Section 4: Confidentiality**

**4.1 Duty to Maintain Confidentiality:** Except as provided herein all questionnaires, interviews, and deliberations by JCRC shall be held in the strictest confidence. Furthermore, no Member shall disclose any rating of any Candidate until JCRC has disclosed the ratings of all participating Organizations to the Candidates. Every Member seeking to participate in JCRC interviews and deliberations shall indicate his or her acceptance of this Confidentiality Requirement on a form provided by JCRC. Attorney Members are reminded that Rule V of the Rules for the Government of the Bar require that information related to disciplinary proceedings shall be kept confidential. JCRC Organizations shall endeavor to assure that any non-lawyer Members of their Committees understand and appreciate the requirement of confidentiality in these proceedings.

**4.2 Duty to Report Breach:** Any Member with knowledge of a breach of Section 4.1 shall report that breach to a member of the Executive Committee, who shall inform the other members of the Executive Committee. If a Member violates his or her pledge of confidentiality, the consequence shall be determined by the Chair or co-Chairs of the JCRC, after consultation with the Executive Committee. The Organization or Committee to which that Member belongs can impose any consequence in addition to those imposed by JCRC as it deems appropriate.

#### **Section 5: Quorum**

It is expected that every Committee will participate in every round of interviews and deliberations. Each Coalition Organization shall establish and enforce a quorum requirement for its Committee that, at a minimum, requires that no less than thirty percent (30%) of Committee Members be present when the interviews begin each day. Interviews and deliberations shall not be unreasonably delayed if a Committee has insufficient Members present to constitute a quorum of its Members according to its own rules, but that Organization shall not rate the Candidates being interviewed until it has met its own quorum requirement.

## **Section 6: Conflict of Interest**

**6.1 Members:** No Member of any Committee may, directly or indirectly, participate in, or contribute financially or otherwise to the current campaign of any judicial Candidate on the ballot in Cuyahoga County, or support the effort of a Candidate to secure appointment to a judicial vacancy for a position that would be on the ballot in Cuyahoga County. No Member shall participate in any decision of the Member's law firm with respect to contributions to judicial Candidates.

**6.2 Penalties:** If a Member acts inconsistently with Section 6.1, the consequence shall be determined by the Chair of the JCRC, after consultation with the Executive Committee; at a minimum, the Member shall not be permitted to participate in any interview, discussion or rating of any Candidate for that judicial seat. The Committee to which that Member belongs may impose any consequence in addition to those imposed by JCRC as it deems appropriate.

**6.3 Spouses:** If a Member's spouse has or intends to participate in, or contribute financially or otherwise to, the current campaign of any judicial Candidate on the ballot in Cuyahoga County, or if the Member's spouse supported the effort of a Candidate to secure appointment to a judicial vacancy for a position currently on the ballot in Cuyahoga County, the Member shall not be present for or participate in any interview, discussion or rating of any Candidate for that judicial seat.

**6.4 Committee Conflict of Interest Rules:** Each Committee shall review and resolve any other potential conflicts within its Membership based upon that Committee's internal rules, which may be more restrictive than these rules.

**6.5 Affirmation and Disclosure Required:** Each Member seeking to participate in JCRC interviews and deliberations shall affirm, in writing, his or her compliance with the Conflict of Interest rules of this Section 6 and the conflict of interest rules of his or her Committee. Any Member of any Committee who may have a conflict of interest under this Section or the rules of his or her Committee with respect to a particular Candidate or race shall disclose the matter to the chair of his or her Committee, or of JCRC, as soon as possible and before discussion or interviews for that Candidate or race begin.

## **Section 7: Interview Procedure**

**7.1 Moderator:** Unless otherwise determined by the Executive Committee, JCRC interviews and deliberations shall be presided over by a Moderator selected as follows: Committee Representatives shall serve as Moderator on a rotating basis. The same Moderator shall preside over all interviews and deliberations for a set of races during a morning or afternoon session. The first Moderator shall be chosen by random draw, the next Moderator shall be the Representative of the Committee of the Organization whose last name comes next in alphabetical order. When the rotation comes to the last Organization, it shall continue again at the beginning, and shall cycle through the Organizations as often as necessary to accommodate all races.

**7.2 Moderator Duties:** The Moderator shall be responsible for conducting the interviews and deliberations in an orderly manner. It is anticipated that the Candidate will give a brief opening statement (1-2 minutes maximum), then the floor will be opened to questions, followed by a closing statement (1-2 minutes maximum, if necessary) by the Candidate. The Moderator has the authority to manage the questions or responses in the interest of time or to assure compliance with these rules.

**7.3 Questions by Members:** Any Member wishing to ask the Candidate a question or speak during deliberations must first be recognized by the Moderator. The Moderator shall endeavor to allow Members from all Committees to participate. In order to obtain relevant information from the Candidates, Members are encouraged to ask the Candidates probing questions. However, Members are expected to treat the Candidates with respect and professionalism. The Moderator has the authority to terminate any line of questioning which is disrespectful, harassing or repetitive. The Moderator may decline to recognize a Member who repeatedly violates this rule.

**7.4 Individual Interviews:** In general, the Coalition shall interview Candidates individually, with approximately equal time spent with each Candidate. Time shall also be allowed for all participating Members to discuss each Candidate in closed plenary session.

**7.5 Voting:** Time shall be provided to all Committees to meet privately and rate the Candidates pursuant to the internal rules of each Committee and the Criteria and Ratings of the Coalition. Except as provided in Section 8.3 (a) and (b), no joint ratings shall be issued by JCRC, and no Member shall represent that any rating is a joint rating.

## **Section 8: Criteria and Ratings**

**8.1 Evaluation Criteria:** In conducting their review of judicial Candidates, JCRC Organizations evaluate each Candidate based upon four equally weighted criteria: **competence for the position sought; diligence; integrity; and temperament and demeanor.** JCRC Organizations do not take into account the Candidate's political affiliation or ideology.

The JCRC Organizations use the following shared definitions for the four criteria:

**1. Competence for the Position Sought:** In evaluating competence for the position a Candidate is seeking, the JCRC Organizations consider a Candidate's analytical ability, relevant legal knowledge and experience; the soundness of the Candidate's professional and personal judgment; the Candidate's familiarity with the court and the issues likely to arise in the court for which the Candidate seeks office and the community he or she seeks to serve; the Candidate's ability to communicate effectively orally and in writing; and, as relevant, the Candidate's administrative ability.

**2. Diligence:** In evaluating diligence, the JCRC Organizations consider a Candidate's work ethic and industry. A diligent Candidate is one who is hard-working and efficient; reliable and punctual; and well-prepared for all proceedings.

**3. Integrity:** When the JCRC Organizations evaluate integrity, they consider a Candidate's character, ethics, and general reputation in the community. A Candidate with integrity demonstrates honesty and trustworthiness; impartiality and independence; compliance with the law; and lack of bias with respect to race, color, religion, sex, sexual identity, gender expression, age, marital or family status, national origin, disability, veteran status, political affiliation or economic status and refusal to participate in or permit harassment by others based on same.

**4. Temperament and Demeanor:** In evaluating temperament and demeanor, the JCRC Organizations consider whether a Candidate conducts him or herself in a manner that is dignified and even-tempered; demonstrates understanding and respect for others; and whether the Candidate approaches issues objectively and with an open mind.

**8.2 Ratings:** After evaluating a Candidate's qualifications based upon the above criteria, each JCRC Organization shall assign the Candidate one of the following ratings:

**1. Excellent:** This rating means that the Candidate exceeds most or all of the criteria expectations.

**2. Good:** This rating means that the Candidate exceeds some of the criteria expectations.

**3. Satisfactory:** This rating means that the Candidate meets the criteria expectations.

**4. Not Recommended:** This rating means that the Candidate does not meet the criteria expectations. "Not recommended" may also include a situation where a Candidate fails or refuses to appear for an interview or complete the questionnaire or sign the jurat or waiver, and the Members of JCRC have sufficient information to evaluate the candidate.

### **8.3 Effect of Failure to Interview or To Complete Questionnaire**

(a) A Candidate who refuses or fails to appear for an interview, or to complete the questionnaire, or to sign the jurat or the waiver, shall be given a "Refused to Participate" or "Not Recommended" rating unless the Candidate demonstrates some reasonable justification for the failure. If the Candidate appears for the interview, the Candidate shall be given an opportunity to correct the failure or to argue the justification for the failure. If the failure is not corrected by the end of the interview period, the Executive Committee shall vote to determine whether a "reasonable justification" has been presented and, if not, which of the 2 alternative ratings (i.e. "Refused to Participate" or "Not Recommended") shall be given.

(b) A Candidate whom the Executive Committee has determined has a reasonable justification for the Candidate's failure to appear for an interview or delayed submission of the questionnaire, but who has submitted a complete questionnaire and signed the waiver and jurat, may be considered for other ratings by each Committee.

## **Section 9: Joint Questionnaire**

In order to facilitate the collection of information from the Candidates, and the dissemination of that information to the Members, JCRC shall endeavor to develop a joint questionnaire to be used by all Committees. However, any Committee may submit an addendum to the questionnaire if it wishes to obtain additional information not included in the joint questionnaire.

## **Section 10: Publicity**

One of the goals of JCRC is to use the combined resources of the JCRC to publicize the Candidate ratings issued by the different Committees. Publicity of the results allows voters to compare, and benefit from, the diverse views of all the Committees.

## **Section 11: Feedback From and to Candidates**

**11.1 Feedback:** JCRC shall endeavor to obtain formal feedback from Candidates and Members about JCRC's activities. A formal complaint about the evaluation process shall be submitted in writing. Any formal complaint shall be reviewed by the Chair, who shall respond accordingly.

**11.2 Requests for a Meeting:** After the election for which ratings are made, a Candidate may request a meeting with Coalition representatives for the purpose of receiving constructive feedback that explains generally the considerations that may have affected the Candidate's most recent ratings. Such feedback shall be provided by the Chair or Vice Chair and at least one other person from a different Organization, after they have consulted with representatives of each Committee that rated that Candidate. The sole purpose of this provision is to give constructive feedback to the Candidates and members of the judiciary to improve the quality of justice for the public, and the feedback given should be limited to advance this constructive purpose. This feedback shall be given in confidence, but if the Candidate misrepresents the feedback given in a public communication, the Chair or Vice Chair who participated in the meeting may publicly correct the misrepresentation.