

KING COUNTY BAR ASSOCIATION
JUDICIAL SCREENING COMMITTEE
Rules and Procedures

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KING COUNTY BAR ASSOCIATION
JUDICIAL SCREENING COMMITTEE
RULES AND PROCEDURES

1. Definitions.

1.1 **“Association.”** “Association” means the King County Bar Association.

1.2 **“Candidate.”** “Candidate” means, in regard to any judicial office as referenced in Rule 4: (1) any person seeking election to a judicial office; (2) any incumbent in a judicial office; and (3) any applicant for appointment to any judicial office.

1.3 **“Chair or Co-Chair.”** “Chair or Co-Chair” means a chair or Co-Chair of the Judicial Screening Committee.

1.4 **“Committee.”** “Committee” means the Judicial Screening Committee comprised of a quorum.

1.5 **“Quorum.”** At least twelve Committee members must be present to constitute a quorum.

2. **Authority.** There is established a Judicial Screening Committee to carry out the judicial screening and other functions as set forth in these Rules and Procedures. The Committee exists and functions under the Bylaws of the King County Bar Association (“Association”) and these Rules and Procedures.

3. Purposes of the Committee.

3.1 **Primary Purposes.** The primary purpose of the Committee is to improve the judiciary in King County and on certain appellate courts by rating Candidates on the basis of merit and, in the case of elections, to make public the ratings and certain information regarding the Candidates so that the public may be better informed. This purpose is to be accomplished in a manner which is justifiable and fair, and perceived to be so. In fulfilling this purpose, the Committee shall, utilizing the means and standards set forth in these Rules and Procedures, make and disseminate its ratings of Candidates in the manner set forth in these Rules and Procedures.

3.2 **Publication of Judicial Vacancies.** The Committee may publicize the existence of a judicial vacancy or an anticipated judicial vacancy and request the Bar or general public to furnish the names of potential Candidates who are qualified for judicial service.

3.3 **Coordination with Similar Programs.** The Association and the Judicial Screening

Committee should exercise a leadership role in coordinating with other organizations engaged in the rating of Candidates within the jurisdiction of the Committee, so that the burden imposed on Candidates may be reduced and so that the judicial screening procedures employed by the Association and other organizations may be simplified, standardized, or enhanced. To this end, the Association and the Committee should coordinate with other judicial screening programs in preparing relevant materials, in standardizing procedures, and in sharing programmatic information to the extent deemed appropriate.

3.4 Coordination of District Court Ratings. The Association and the Committee should coordinate with other organizations having similar rating processes so that the rating activities for the King County District Court are coordinated as contemplated by the merit selection process set forth in King County Code Chapter 2.70.

4. Committee Responsibilities. The Committee shall maintain a list of qualified Candidates for appointment to the King County Superior Court and District Courts; it will do the same for the Seattle Municipal Court and, upon request of the appointing authority thereof, other Municipal Courts within King County. The Committee shall rate all Candidates in contested elections, and any other Candidates for election who request a rating, for judicial positions on the Seattle Municipal Court, King County District Court and Superior Courts, Division I of the Court of Appeals, and the Washington State Supreme Court.

5. Composition of Committee.

5.1 Number. The Committee shall be composed of 85 members as follows: 69 Lawyer Members-at-large, 2 Co-Chairs, 2 Assistant Chairs, 2 Immediate Past Co-Chairs, 1 Board of Trustees Liaison, and 9 Non-lawyer Members. All members of the Committee shall be appointed by the President of the Association with the approval of the Board of Trustees of the Association. Each person appointed as a member of a Committee shall be a member for all purposes and shall be entitled to vote on all matters before the Committee, consistent with these Rules and Procedures.

5.2 Lawyer Members-at-Large. Twenty-three lawyer members shall be appointed each year for a term of three years. The Co-Chairs of the Committee and the President of the Association shall consult to ensure the appointment of diverse and representative lawyer members.

5.3 Co-Chairs and Assistant Chairs. Two Co-Chairs of the Committee shall be appointed each year for a term of one year. Each Co-Chair of a Committee shall have full authority to act as the Chair of that Committee. Two Assistant Chairs of the Committee shall be appointed each year for a term of one year and each Assistant Chair shall have full authority to act as the Chair of the Committee in the absence of the Co-Chairs. For continuity of leadership, the Assistant Chairs would be appointed Co-Chairs following their terms as Assistant Chairs.

5.4 Board Liaison. Each year the President of the Association shall appoint one member of the Board of Trustees of the Association as a Board Liaison member to the Committee.

5.5 **Immediate Past Chairs.** The Immediate Past Co-Chairs of the Committee or other experienced persons, shall also be appointed to serve on the Committee.

5.6 **Non-Lawyer Members.** Each year three Non-lawyer Members shall be appointed to the Committee for a term of three years. The Co-Chairs of the Committee and the President of the Association shall consult to ensure the appointment of diverse and representative non-lawyer members.

5.7 **Pro Tem Members.** Former members of the Judicial Screening Committee may serve as Pro Tem Members of the Committee at any particular meeting, at the request of a Chair. A Pro Tem Member is bound to all of the restrictions contained in Paragraphs 6.2 and 6.5, and to the restrictions contained in Paragraph 6.3 only to the extent they restrict the Pro Tem Member from personally endorsing, campaigning for, or contributing financially to a Candidate who is running for election to any office for which the Candidate appeared before the Committee on which the Pro Tem Member was participating.

5.8 **Vacancies.** Vacancies on a Committee may be filled by appointment by the President of the Association with the approval of the Board of Trustees of the Association, and the member so appointed shall hold office for the remainder of the term of the member succeeded.

6. **Rights and Obligations of Committee Members.**

6.1 **Attendance and Diligence.** All members of a Committee shall be advised of the need to devote adequate time to the work of the Committee and shall commit to devote such time. A Co-Chair may recommend to the President of the Association the termination or replacement of any Committee member for failure to devote adequate time to the work of the Committee, for failure to attend Committee meetings, or for any other good cause. As necessary, the Co-Chair shall advise Committee members of their responsibility for performing tasks assigned to them in a diligent manner and for attending Committee meetings. The Co-Chairs shall also assist in the removal and replacement at the earliest opportunity of Committee members who are uncooperative or unavailable or who are not sufficiently diligent in performing tasks or attending Committee meetings.

6.2 **Secrecy and Fidelity.** Members of a Committee shall be pledged to absolute secrecy in connection with all matters that come before the Committee and the proceedings shall be kept in strictest confidence and not divulged by any person, except to the extent specifically set forth in these Rules and Procedures.

6.3 **Support or Endorsement of Candidates.** Committee members shall not personally endorse, campaign for, or contribute financially to any Candidates who are running for election to any office for which the Committee has responsibility, or who are seeking appointment to any such office. Committee members shall not make any advance commitment with respect to a Candidate which might affect their impartiality.

6.4 **Seeking Appointment or Election.** For a period of one year following a Committee member's resignation or removal from a Committee or for one year following the expiration a Committee member's term on the Committee, whichever shall first occur, a Committee member shall be ineligible: (a) for appointment or election to any judicial position for which the Committee has responsibility, and (b) to participate in the judicial screening process as a Candidate for appointment or election to any judicial position for which the Committee has responsibility.

6.5 **Right or Obligation to Not Participate.** Committee members shall feel free at any time to not participate in the proceedings of the Committee for any reason, including actual or perceived conflicts of interest or concerns about appearance of fairness. Committee members shall not participate in the interview or vote on the rating of a Candidate if the Candidate is in the same firm as the Committee member, is in a business relationship with the Committee member, or is in a space sharing relationship with the Committee member; however, all Committee members shall be entitled to provide background information about a Candidate.

6.6 **Execution of Pledge.** Committee members shall accept appointment to the Committee only upon providing an express written pledge acknowledging that the member has read and understands the specific rights and obligations of Committee members as set forth in this Paragraph 6 and agrees to be bound by them.

6.7 **Right of Co-Chairs to Disclose.** Notwithstanding the duty of secrecy and fidelity set forth in this Paragraph 6, a Co-Chair and the Board Liaison member shall have the authority and discretion to disclose specific matters which have come before the Committee and the conduct and content of a Committee's deliberations to the President or a Vice-President of the Association, the Executive Director of the Association, and if authorized by the President, the Board of Trustees of the Association in executive session.

7. **Records.**

7.1 **Records to be Maintained.** Committee records shall be limited to a single official file to be maintained by the Executive Director of the Association'. The file shall be kept confidential and shall include the following material only:

(a) One copy of the completed questionnaire furnished by each Candidate, one copy of any correspondence between the Candidate and the Association, and such other information the Chair deems appropriate;

(b) One copy of the list of Candidates appearing before the Committee and their ratings;

(c) One copy of each letter of transmittal of the list of qualified Applicants for Appointment and other official correspondence;

(d) The names of persons who have declared an interest in a judicial office, but whose applications are being held because no vacancy then exists or because they have not yet been interviewed and considered for inclusion on the list of qualified Applicants for Appointment; and

(e) Records of Committee meetings, including the names of Committee members in attendance, the ratings of each Candidate, and any other decisions made.

7.2 Temporary Files. A Co-Chair may maintain possession of such additional temporary files as may be necessary for the orderly administration of a Committee during the term of the Co-Chairs.

7.3 Retention of Records. Any records to be maintained by the Executive Director of the Association or the Chair pursuant to this Rule shall be disposed of after ten years, except upon authorization of a Co-Chair or the President of the Association.

8. Pre-Rating Procedures. Where reasonably practicable, the Committee shall follow these pre-rating procedures:

8.1.1 Information Provided to Candidates. Candidates seeking a rating by the Committee shall be provided by the Association with a package of materials relating to the work of the Committee, including: (a) a copy of these Rules and Procedures, and (b) explanatory information about the Committee and its Rules and Procedures, including a general discussion of the rating process, the composition of the Committee, the timing of the Committee's work, the manner in which the Candidate will be notified of action by the Committee, and other matters which may be of interest to the Candidate.

8.1.2 Pre-Screening Procedure Where Numerous Applicants For Appointment. If the co-chairs determine that the Applicants for Appointment are too numerous to effectively check references and interview, then the co-chairs shall have the authority to create an ad hoc committee to pre-screen written applications for appointment. This ad hoc committee shall only review the written materials submitted by the Applicants and, by simple majority vote and using the same criteria, rules and procedures, set forth in paragraphs 6.2-6.4, 6.7, 7, 9.2, 9.4-9.5.12, 10.1 and 11, shall narrow the field of Applicants to a manageable number (such as 10-15 to be determined in advance by the committee co-chairs) and shall notify the Applicants in writing as to whether or not they are in the narrowed field. Only the narrowed field of Applicants will be fully screened by the regular Committee and issued ratings pursuant to the Rules and Procedures herein.

8.2 Judicial Screening Questionnaire. Each Candidate shall be provided with a form of Judicial Screening Questionnaire developed by the Committee. Each Candidate shall be requested to complete the questionnaire and deliver it to the Association before the Committee meets to consider the rating of the Candidate in sufficient time to distribute the questionnaire to the Members scheduled to attend the Committee Meeting. The information in Part I (public portion) may be disclosed to other persons and will be publicly available. The information in Part II (confidential portion) will be used only by the Committee, except that a copy of the entire

questionnaire as completed by an Applicant for Appointment may be transmitted by the President of the Association or the President's designee to the appointing authority. All copies of a Candidate's questionnaire shall be returned to the Co-Chairs and destroyed after use. One copy shall be retained in the Committee's permanent file. The form of questionnaire should be reviewed jointly by the Committee from time to time and revised as necessary.

8.3 Candidates to Notify Committee of Material Changes. Candidates shall be required to promptly notify the Committee if there are any material changes in the responses of the Candidate to the questionnaire between the time the questionnaire is completed by the Candidate and the expiration of the rating. The questionnaire and the explanatory statement provided to each Candidate shall advise the Candidate of the need to promptly notify the Committee if there are material changes.

8.4 Reference Check Form. A reference check form has been developed by the Committee for use by Committee members in discussions with references either listed by a Candidate in the questionnaire or otherwise contacted by Committee members. All reference checks forms and other notes of contacts with references shall be returned to the Co-Chair. Reference check forms and other notes of contacts with references shall be either destroyed by the Co-Chair or maintained by the Co-Chair for utilization at any re-interview, and then destroyed. The reference check form should be reviewed by the Committee from time to time and revised as necessary.

8.5 List of Possible Questions. A non-exclusive list of possible questions has been developed by the Committee for use by Committee members in interviews with Candidates. This list of possible questions contains questions on various topics which may be asked of Candidates during the course of the interview. Committee members may, but are not required to, ask Candidates questions on the list of possible questions, or may ask questions not on the list. The list of possible questions should be reviewed jointly by the Committee from time to time and revised as necessary.

8.6 Disciplinary Inquiries. As part of the questionnaire or otherwise, each Candidate shall be required to: (a) disclose to the Committee disciplinary sanctions against the Candidate and investigations of the professional conduct of the Candidate, (b) in the case of a present or former judge, disclose to the Committee complaints for judicial misconduct against the Candidate and investigations of the judicial conduct of an Candidate, to the extent not prohibited under any statute or regulation, (c) authorize the Washington State Bar Association to release and forward, to the maximum permissible extent, all information with reference to the Candidate's disciplinary record (including information relating to complaints and investigations) to the Association or a Co-Chair of a Committee, and (d) authorize the Washington Commission on Judicial Conduct to release and forward, to the maximum permissible extent, all information with reference to the Candidate's judicial disciplinary record (including information relating to complaints and investigations) to the Association or a Co-Chair of the Committee. Wherever possible, the Committee should also request from the Washington State Bar Association (and the Commission on Judicial Conduct, in

the case of Candidates who are or have been judges) any information about the Candidates that may be public or otherwise available.

8.7 Notification to Board of Trustees of Names of Candidates. Where possible, before Candidates are interviewed by the Committee, their names shall be reported confidentially to the members of the Board of Trustees of the Association, who shall be invited to communicate information about Candidates to a Co-Chair or another Committee member designated by a Co-Chair. Members of the Board of Trustees should provide to a Co-Chair or another Committee member designated by a Co-Chair any information about any Candidate which is believed would assist a Committee in rating the Candidate.

8.8 Reference Checking and Other Sources of Information.

8.8.1 Importance of Checking Reference. Reference checking is crucial to the entire judicial screening function. A Committee should not rely entirely on what it learns from the Candidate directly and should conduct a discrete outside inquiry, including but not limited to contacting references listed by the Candidate in the Candidate's completed Judicial Screening Questionnaire. Any persons questioned should be assured that the source of the information given to a Committee member will be kept strictly confidential. No person should be contacted by the Committee if an Applicant for Appointment (only) has requested that such contact not be made. Committee members shall exercise great care in adequately and thoroughly performing the reference checking function.

8.8.2 Multiple Reference Checkers. At least two members of a Committee shall be assigned to check references for each Candidate.

8.8.3 Number of References to be Contacted. Reasonable efforts shall be made to reach all references listed by a Candidate in the Judicial Screening Questionnaire, with, if feasible, all references to receive a message that contact was attempted by a member of the Committee and with contact information to be left. Committee members should take great care to ensure that wherever possible an attempt is made to contact the listed references sufficiently in advance of the scheduled interview that contact is reasonably possible. Committee members should be mindful of the necessity to devote adequate attention to the reference checking process sufficiently in advance of the scheduled interview to ensure the adequate and thorough performance of the reference checking function.

8.8.4 Other Sources of Information. The Committee need not rely entirely on what it learns from the Candidate or from the references listed by the Candidate in the Judicial Screening Questionnaire. Committee members should contact or review other sources to obtain information about the Candidate, as they deem appropriate. Other sources may include but are not limited to contacts with people who have personal knowledge of the Candidate (whether or not listed by the Candidate as references), public records, electronic searches, professional discipline organizations, and judicial evaluation surveys. Any persons contacted should be assured that the source of the information provided by them will be kept strictly confidential.

8.9 Committee Sessions. The Committee shall meet on such schedule and for such periods as may be necessary to perform the functions of the Committee as set forth in these Rules and Procedures.

8.10 Candidate Interviews.

8.10.1 Candidates to be Interviewed. Each Candidate shall be interviewed by the Committee, except where such interview is not required by these Rules and Procedures. Before the interview with the Candidate, the reference checkers for the Candidate and other Committee members shall convey to the Committee information that may be of significant concern to the Committee. During the interview with the Candidate which follows, Committee members may choose to ask questions about information or issues that have been identified. The interview shall conclude with an opportunity being provided to the Candidate to make a brief statement to the Committee. After the Candidate is excused, the Committee shall discuss the Candidate in confidence, to be followed by one or more votes under the appropriate rating system. The elements of this interview process shall generally be included in the consideration of all Candidates, although the elements need not occur in any particular order. The Committee should retain the flexibility to modify the interview and consideration format as may be reasonable or necessary in a particular case.

8.10.2 Length. Each interview shall be approximately twenty (20) minutes in length and may be extended at the discretion of a Co-Chair. Deviation from the standard interview length should not be permitted without good cause.

8.10.3 Sensitivity to Effect on Candidates. Committee Co-Chairs and members of the Committee should be sensitive to the effect of the interview process on a Candidate. During interviews, Committee Co-Chairs should be sensitive to the impact of questions on a Candidate and the sequence and substance of questions that are asked. Committee Co-Chairs should exercise their judgment and discretion in monitoring and directing the course of the interview.

8.10.4 Efforts to Interview Candidates. The Committee shall make all reasonable efforts to conduct interviews with Candidates, including, if necessary, interviews outside of normal business hours, interviews by telephone, and the like.

9. **Rating Criteria, Categories, and Procedures.**

9.1 Unified Rating System for Candidates. The ratings categories for candidates for election and applicants for appointment are identical: “Exceptionally Well Qualified,” “Well Qualified,” “Qualified,” and “Not Qualified.” However, only the names and ratings of applicants for appointment receiving one of the two highest ratings (“Exceptionally Well Qualified” or “Well Qualified”) will be forwarded to the appointing authority. One of the purposes served by the process employed by the Committee to rate applicants for appointment is to identify for the appointing authority those persons best qualified to serve with the thought that, absent a compelling justification, the appointing authority will recognize that the public is best served by selecting from that list. The considerations are otherwise in an election context, where there may be multiple candidates and it may be necessary or advisable to draw finer distinctions.

9.2 Basic Rating Criteria. The basic criteria for rating Candidates consist of the following factors, which are not listed in any order of priority:

(a) Maturity, integrity, courtesy, intellectual honesty, fairness, good judgment, curiosity, and common sense;

(b) A demonstrated commitment to equal justice under the law, and fairness and open-mindedness with sensitivity to and respect for all persons, regardless of race, color, sex, sexual orientation, national origin, ancestry, religion, political ideology, creed, age, marital status, or physical or mental handicap, disability, or impairment. This commitment and sensitivity can be evidenced by the individual’s involvement in community affairs and activities, professional practice, and personal and professional background.

(c) The courage and ability to make difficult decisions under stress.

(d) The competence, ability, and experience (which may include trial experience) to manage pretrial and trial proceedings, including administrative proceedings, arbitrations, settlement conferences, and commissioner or magistrate responsibilities. It should include an ability to address diverse issues, weigh conflicting testimony, apply the law to the facts, understand the dynamics of the trial or conflict resolution process, and command respect from attorneys, litigants, and other participants in the process.

(e) The ability to work with a wide variety of subject matters.

(f) Excellent legal ability and confidence, and demonstrated excellence in legal work and practice.

(g) The energy and capacity for hard work.

(h) The potential for ongoing professional development and demonstrated leadership in the profession.

(i) The ability to communicate clearly and effectively, orally and in writing, with attorneys, litigants, witnesses, and jurors.

(j) Interest and commitment to working with other judges and court administrators to improve the administration of justice.

9.3 (Reserved)

9.4 Ratings of Candidates.

9.4.1 **“Exceptionally Well Qualified.”** A Candidate may be rated “Exceptionally Well Qualified” if the Candidate fulfills the requirements necessary for a “Well Qualified” rating and, in addition, demonstrates outstanding accomplishments as reflected by some or all of the following:

(a) Singular accomplishments in professional practice, academic training, judicial career, or contributions to the profession.

(b) Exceptional litigation, judicial, or administrative experience.

(c) Outstanding personal and professional integrity and commitment to fairness in the administration of justice.

(d) Significant public service.

(e) Excellence in the criteria which support a “Well Qualified” rating.

9.4.2 **“Well Qualified.”** A Candidate may be rated “Well Qualified” if the Candidate demonstrates a level of skill, experience, sound judgment, and excellence in his or her professional or judicial career, or both which will sustain or improve the quality of the bench of the judicial position sought. These Qualifications may be demonstrated by satisfying some or all of the basic criteria.

9.4.3 **“Qualified.”** A Candidate may be rated “Qualified” if the Candidate has satisfied the basic criteria to a degree sufficient to consider the Candidate minimally qualified for the judicial position sought.

9.4.4 **“Not Qualified.”** A Candidate may be rated “Not Qualified” if the Candidate does not demonstrate qualifications sufficient to receive a rating of “Qualified”.

9.4.5 **“Insufficient Information to Rate.”** If a Candidate has been provided with a full and complete opportunity to provide information and, despite that opportunity, the Committee concludes by majority vote that it does not have sufficient information to rate the Candidate, the Committee shall not rate the Candidate and shall place the Candidate in the category “Insufficient

Information to Rate.” This rating shall not be used if a Candidate has declined or refused to participate in the judicial screening process.

9.4.6 **“Refused to Cooperate in the Judicial Screening Process.”** If a Candidate has declined or refused to participate in the judicial screening process, the Committee may by majority vote, subject to paragraph 9.5.8, elect to not rate the Candidate and may place the Candidate in the category “Refused to Cooperate in the Judicial Screening Process.”

9.5 **Rating Procedures.**

9.5.1 **Secret Ballot.** All votes by Committee members must be cast by secret ballot.

9.5.2 **Personal Votes Required.** All votes by Committee members must be cast in person at a Committee meeting. Proxies for Committee members and telephone polls of Committee members are not permitted.

9.5.3 **Disqualification from Voting.** No Committee member shall cast a vote if the Candidate is in the same firm as the Committee member, is in a business relationship with the Committee member, or is in a space sharing relationship with the Committee member.

9.5.4 **Presence Required.** Only Committee members present at a Candidate’s interview may vote on the Candidate’s rating.

9.5.5 **Candidates Not to be Compared.** In rating Candidates, Candidates shall be evaluated using the standards for each rating category, and shall not be compared against one another. Although it is inevitable that during the course of performing the work of a Committee, Committee members may be inclined to compare and contrast the experience, capabilities, and qualities of Candidates, direct comparisons between Candidates for the same judicial office should be discouraged, and the ratings of Candidates should reflect the application of the ratings standards.

9.5.6 **Consideration of Judicial Evaluation Surveys.** A Committee may consider Judicial Evaluation Survey results in the course of its work as one of many factors. Where reasonably possible, the most recent published Judicial Evaluation Survey results for any Candidate should be distributed or reported to the Committee.

9.5.7 **Consideration of Prior Ratings.** The Committee may consider a rating previously received by a Candidate as one of many factors. A prior rating should have no necessary effect on the rating of a Candidate.

9.5.8 **Consideration of Lack of Participation.** The Committee may consider the level, or the lack, of participation by a Candidate in the judicial screening process as one of many factors in rating a Candidate. Even if a Candidate has refused or declined to participate in the judicial screening process, the Committee shall rate a Candidate if the Committee concludes by majority vote that it has adequate information to credibly evaluate the Candidate using the rating standards

set forth in these Rules and Procedures. The Committee should make reasonable efforts to obtain adequate information to credibly evaluate the Candidate. Such information may include but is not limited to contacts with people who have personal knowledge of the Candidate (whether or not listed by the Candidate as references), public records, electronic searches, professional discipline organizations, and judicial evaluation surveys. Any persons contacted should be assured that the source of the information provided by them will be kept strictly confidential.

9.5.9 Consideration of Matters Not Proved. In the course of the work of the Committee, the Committee may be confronted with a variety of allegations about Candidates which the Committee is not equipped to either prove or disprove. Such allegations may come to the Committee second or third hand or from sources who wish not to be identified. The Committee, guided by a Co-Chair, shall exercise its judgment and discretion in dealing with such allegations in a manner appropriate under the circumstances, with due regard given to the sources of the information, the presence or lack of support for the allegations, the nature of the judicial position to be filled, other information derived from or about the Candidate, the response, if any, of the Candidate to direct or indirect questions posed by Committee members, and considerations of due process and fundamental fairness. The Committee should not dwell on any particular subject, including allegations which may be difficult to prove, during the interview. A Candidate should be given adequate time during the interview to address other issues.

9.5.10 Authority to Table or Continue Process. If a Chair determines in the Chair's sole discretion that the Committee for any reason does not have adequate information to credibly evaluate and rate a Candidate, the rating process, including the interview and vote, may be tabled or continued. The decision of a Chair to table or continue the rating process should only be undertaken after consulting with the Committee, and after consideration of any relevant timing concerns and the requirement in these Rules and Procedures that only members present for a Candidate's interview may vote on the Candidate's rating, if an interview is required.

9.5.11 Reconsideration During Committee Session. By majority vote, the Committee may reconsider a vote taken during the day of the Committee session. A motion to reconsider may be made by any Committee member, but the Committee shall consider only one motion per candidate. If a motion to reconsider is voted on and fails, the vote that it proposed to reconsider remains in full force. If a motion to reconsider is voted on and adopted, the effect is to immediately place before the Committee again the question on which the vote is to be reconsidered, in the exact position it occupied the moment before it was voted on originally. As is always the case under these Rules and Procedures, only members present at a Candidate's interview may vote on the Candidate's rating, and the other rules governing Candidate ratings remain in effect, including Section 9.5.5 ("Candidates Not to be Compared"). There shall exist no requirement that all persons participating or voting in the rating being reconsidered participate and vote on reconsideration.

9.5.12 Authority to Reconsider under Extraordinary Circumstances. If it appears to a Chair or to the President of the Association that significant new and previously undisclosed information, whether provided by the Candidate or others, was not considered by the Committee when it rated a Candidate and subjects the appropriateness of the rating to serious

question; either a Chair or the President may require Committee reconsideration of the rating, and the President with the consent of a Chair, may suspend the rating and prohibit its use pending reconsideration. The procedure on reconsideration shall be the same as the procedure on initial consideration. The issuance of a reconsidered rating, if different from the prior rating, will supersede and make ineffective the prior rating, and use of the prior rating shall be prohibited. Reconsideration of a rating or suspension of a rating under this paragraph should occur only under extraordinary circumstances.

9.5.13 Effect and Duration of Rating -- Three years. Except as specifically set forth in these Rules and Procedures, a Candidate's rating shall be for a particular level of the judicial system and shall remain effective for any positions at that same level (and on the "appointment" list in the case of applicants for appointment) for a period of three years from the date it is issued, unless a Chair or the President of the Association determines that the rating should be reconsidered. A Candidate with a rating in effect shall have a right to be interviewed again by the Committee only if seeking appointment or election to a different level of the judicial system.

9.5.14 Use of Rating by Candidates for Appointment or Election and Vice Versa.

(a) If a candidate rated only for appointment later decides to run for election, the candidate's appointment rating will also be the candidate's rating for the election, provided that the appointment rating was for the same level of court and issued within three years of the relevant general election. If the candidate believes that there have been material changes to the prior questionnaire information provided, the candidate may request a new judicial screening and must submit an updated questionnaire.

(b) A candidate rated for election may also use the election rating for appointment, provided that the election rating was for the same level of court, the rating has not expired (i.e., within three years of issuance), the candidate requests in writing that the Association place the candidate's name and applicable rating on the appointment list, and the candidate either recertifies that there have been no material changes to the prior questionnaire information provided or submits and certifies all material changes that have occurred.

(c) Under no circumstances shall a rating be effective and remain on the appointment list longer than three years from its issuance. The issuance of a new rating -- whether for appointment or election -- will supersede and make ineffective any prior rating, and the use of the prior rating shall be prohibited. Under extraordinary circumstances, as described in paragraph 9.5.12 above, a prior rating and its use may be reconsidered and/or suspended. Where a rating is ineffective or its use is suspended or prohibited, it shall not be used in campaign materials or for any purposes whatsoever.

9.5.15 Votes Required. To obtain a rating of “Qualified,” a Candidate must receive an affirmative vote of a majority of the Committee members present. To obtain a rating of “Well Qualified” or “Exceptionally Well Qualified,” a Candidate must receive the affirmative vote of two-thirds (2/3) of the Committee members present, as follows:

Members Present	Votes Needed
12	8
13	9
14	10
15	10
16	11
17	12
18	12
19	13
20	14
21	14
22	15
23	16
24	16
25	17

The voting on the rating of a Candidate shall begin with the “Qualified” rating. If the Candidate receives the required number of votes for the “Qualified” rating, voting shall proceed through the “Well Qualified” and “Exceptionally Well Qualified” ratings as long as the Candidate continues to receive the required number of votes to be rated in the category. The Candidate shall receive the highest rating for which the Candidate received the required number of votes to be rated. If the Candidate did not receive the required number of votes to receive the “Qualified” rating, the Committee shall rate the Candidate “Not Qualified”; provided, however, that in lieu of rating a Candidate, the Committee by majority vote shall have the authority to place a Candidate in the Categories “Insufficient Information to Rate” or “Refused to Cooperate in Judicial Screening Process.”

9.5.16 Sufficiency of Information. A Candidate’s lack of willingness or availability to fill out the judicial screening questionnaire, be interviewed by the Committee, or otherwise participate in the judicial screening process shall not preclude the Committee from rating the Candidate, so long as the Committee concludes by a majority vote that it has adequate information to enable it to do so pursuant to paragraph 9.5.8. The explanatory materials provided to the Candidate shall communicate to the Candidate that a failure to submit the questionnaire, be interviewed by the Committee or otherwise participate in the judicial screening process will not preclude the Committee from rating the Candidate.

9.5.17 Ratings Not to be Modified. The Board of Trustees and officers of the Association shall have no authority to modify the Committee’s ratings of Candidates.

10. Notification of Ratings.

10.1 **No Rationale for Votes to be Provided.** The rating process employed by the Committee is necessarily a subjective one, and individual Committee members may have different reasons for voting in a particular way with respect to Candidates. With respect to some Candidates, there may be one or more reasons justifying a particular rating that can be clearly articulated. In many cases however, the reasons justifying a Candidate's rating are many in number or cannot be clearly articulated on behalf of all Committee members, and the judicial screening process does not require that Committee members disclose their votes or rationale for those votes. For these reasons and to preserve the confidentiality of the judicial screening process, no disclosure is to be made of the votes taken by the Committee or the substance of discussions by the Committee.

10.2 **Additional Information May Be Provided Regarding Ratings of "Not Qualified" in Exceptional Circumstances.** If the Committee by two-thirds vote determines that exceptional circumstances exist to disclose additional information regarding a Candidate rated "not qualified" and directs the Co-Chairs to provide additional information to the Board of Trustees in executive session, then that additional information, or portions thereof, may be disclosed publicly if and as authorized by a majority vote of the Board and if confidentiality of sources is not jeopardized.

10.3 Manner of Notification.

10.3.1 Applicants for Appointment.

10.3.1.1 **Notification of Board.** The Committee shall periodically transmit to the Board of Trustees the list of rated applicants for appointment who have not yet been considered by the Board of Trustees. The Board of Trustees shall meet in Executive Session and shall be subject to the same pledge of secrecy as are Committee members under these Rules and Procedures.

10.3.1.2 **Notification of Appointing Authority.** After consideration by the Board of Trustees of the Association, the President of the Association or the President's designee shall forward a copy of the list of rated applicants for appointment who obtained "Well Qualified" or "Exceptionally Well Qualified" ratings to the appointing authority and to the Committee. This list of rated applicants for appointment shall form a part of or be accompanied by a letter describing the judicial screening process. In the case of positions where lists of qualified applicants for appointment are maintained (such as for appointment to King County Superior Court), the list provided to the appointing authority should contain the names and ratings of all applicants for appointment whose ratings of "Exceptionally Well Qualified" or "Well Qualified" are presently effective, together with a notation of those applicants for appointment who have most recently been added to the list.

10.3.1.3 Notification of Applicants for Appointment. The President of the Association or the President's designee shall notify all applicants for appointment, whether or not they were on the list of rated applicants for appointment forwarded to the appointing authority, as to what rating the applicant for appointment received.

10.3.2 Candidates for Election.

10.3.2.1 Notification of Media and the Public. The Committee shall complete the process of evaluating and rating Candidates in elections so that the President of the Association or the President's designee shall release the rating or other action taken by the Committee to the public as soon as feasible after the rating is completed, but by no later than the third Tuesday prior to the primary election, or as soon thereafter as may be possible. Announcements of election ratings by press release(s), press conference(s), and/or other means by the KCBA President and the Committee Co-Chairs or their designees shall include a description of the combined litigation experience and diversity of the Committee('s) membership, of the four-part process followed (questionnaire, other information/reference checks, interview, and deliberation), of the written criteria applied (Rules and Procedures) and of the public availability of most of the completed questionnaire information.

10.3.2.2 Notification of Candidates for Election. The KCBA President or the KCBA President's designee(s) shall make reasonable efforts to provide each Candidate who has been considered by the Committee with a copy of that Candidate's rating and/or the news release containing the results of the Committee's work, prior to making such news public.

11. Inquiries by Candidates. Inquiries from Candidates received by Committee members or by a Chair shall be referred to the President of the Association.

End of Rules