

SAMPLE QUESTIONS FOR JUDICIAL CANDIDATES

Voters play a critical role in deciding who should be judges. All judges, whether they are initially appointed by the governor or elected, must periodically run for re-election. Accurate and meaningful information must be available to voters to assist them in making informed choices about judicial candidates during elections. Voters need to know how the role of a judge differs from the role of a legislator or an executive. Voters also need to know whether a candidate has the essential qualities to be a good judge: integrity, knowledge of the law, intelligence and common sense, freedom from bias to apply the law fairly, the ability to make decisions in a timely manner and the personal skills to preside over a courtroom with dignity and courtesy to all participants. On the basis of that premise, we have prepared the following list of suggested questions for use by the public during judicial campaigns.

Judicial candidates are limited in discussing certain subjects. Canon 7 states, in part, that candidates:

(S)hould not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce their views on disputed legal or political issues.

The most controversial part of the rule is the portion prohibiting candidates from discussing their views on "disputed legal or political issues." For example, Canon 7 appears to prohibit a judicial candidate from expressing views on abortion or gun control. The reason for the prohibitions is that judges must be apolitical arbiters of the law. They are not only expected to be impartial, but must also appear to be impartial. Therefore, judicial candidates must not make promises during campaigns about how they might rule or otherwise suggest that they have prejudged a case they have not yet heard. They must decide cases based on the law and facts presented in the courtroom, not on the basis of their personal views or prejudices.

Some voters are either unaware of or do not understand this restriction on the ability of judicial candidates to discuss their views. Judicial candidates often are uncertain of what they can or cannot say in response to questions they are asked. The penalties judicial candidates may suffer for making the wrong choice range from embarrassment to sanctions.

Several principles guided us in our development of the following questions. First, the questions are illustrative, not exclusive. Members of the public are certainly free to disregard the list, modify it, or adopt it when questioning judicial candidates. Second, while we believe the questions do not violate the prohibitions of Canon 7, we do not guarantee that result. We can say that a number of different people who are quite familiar with Canon 7 have reviewed the questions, and we believe it is appropriate for judicial candidates to answer the questions in their present form. However, individual judicial candidates may have legitimate concerns regarding the appropriateness of some questions. Third, members of the public must decide how to use the questions. For example, some questions are more suited to a public forum format. Others may be more appropriate for interviews during candidate evaluations.

I. Knowledge

1. What issues are involved in deciding whether or not to admit evidence of battered woman's syndrome or battered child syndrome?

2. What do you believe to be the root causes for the high numbers of juvenile offenders? What changes can the court system make to reduce these numbers?

3. Do you believe the composition of juries adequately and fairly reflects society at large? Why or why not? If not, what can we do to change this? What are the pros and cons of using drivers license registration as a source of jurors?

4. What is your understanding of the distinctions between provisions of the U.S. and Washington Constitutions in the area of search and seizure?

5. How could the costs of judicial administration be reduced? Can you give us a specific example of how you have reduced costs in your law practice/court?

6. In the area of hate crimes, what are some of the issues in balancing free speech rights against the need to control offensive activity?

7. What have been the most effective methods for improving court procedures and efficiency? What other methods would you suggest?

8. What do you perceive as the greatest obstacles to justice, if any?

9. Under what circumstances can the courts seal court files or close court proceedings?

10. What criteria would you use for deciding whether to impose or affirm sentences outside of standard ranges?

11. What factors are considered in granting and setting bail amounts for defendants? What do you believe is the primary consideration?

12. If you became aware of unethical conduct on the part of a trial advocate in a case in which you were presiding, how would you handle it? Do you believe judges should be required to report attorney misconduct?

13. If you were the person responsible for deciding what cases would be tried in what order, how would you split the court's time between the criminal calendar and the civil calendar?

14. To what extent have you practiced in the area of criminal law? Family law? Complex civil legislation?

15. What do you believe are the causes of the high rates of minority incarceration?

16. Violent crime, particularly youth violence, is perceived to be at a crisis level by many experts today. What, if any, do you believe is the appropriate role for the judiciary in addressing this perceived crisis?

17. Do you believe there is such a thing as a "victimless crime?" If so, what offenses would you place in this category?

18. What do you think about the growing prison population? What response should society have to prison overcrowding?

19. Do you feel the War on Drugs has been effective or ineffective?

20. Do you believe there is underrepresentation of women or people of color in the courts system? If so, how would you work to correct the problem?

21. Do you believe that all citizens have adequate access to legal help and the legal system? If not, what can be done to provide wider and better access?

II. Character

1. Do you ever wake up in the middle of the night thinking about a case, wishing you had handled something differently? If so, please describe one situation.

2. Please describe one instance in which you faced an ethical dilemma and how you resolved it.

3. What kind of jobs, interests, or volunteer activities did you pursue during school and law school?

4. Do you believe that voluntary professional and community service is a necessary commitment for persons holding public office? What forms of voluntary professional and community service have you been involved with in the past? Currently?

5. As a prospective judge, what do you consider your greatest strengths? Weaknesses?

6. What has been your greatest accomplishment in your legal career? In your personal life?

7. If elected or re-elected to the position you seek, what is the minimum number of years you intend to serve before seeking a judicial post at a higher level? What is your commitment to serving out the full term?

8. What are the major influences in your life? Why?

9. What injustices have you witnessed in or outside the courtroom and what was your response to those events?

10. Are there any specific types of cases in which you know now you find it necessary to disqualify yourself?

11. Describe your most difficult case.

12. What are the pros and cons of going to the bench as compared to practicing law?

13. Do you believe the current system for disciplining lawyers and judges is effective? Why or why not?

14. Have you ever withdrawn from a case because you disagreed with your client? If so, please explain.

15. Have you ever been disciplined by the bar association or the state commission on judicial conduct?

16. Who are your judicial role models? Why?

III. Effectiveness

1. How do you deal with difficult people, including peers, lawyers, clients, or litigants?

2. Please describe a situation in which you took a controversial position that angered or offended people, and explain how you handled it.

3. How would/do you deal with a pro se party appearing in your court?

4. How would you prepare yourself to handle cases involving unfamiliar areas of the law?

5. Please describe your administrative experience. What are your primary strengths as a supervisor? As an administrator?

6. If you observed a party in your courtroom being poorly represented by an unprepared or ineffective lawyer, how would you handle the situation?

7. Do you believe you would encounter any problems moving from your role as an advocate to a new role as a judge? (For non-incumbents.)

8. While serving on the bench, do you believe you have a role in bringing important legal or judicial issues before the public or the legislature? Why or why not? What should your role be?

9. Is it appropriate to impose more restrictions on what cases go to trial? Is there a need for more mandatory mediation and settlement efforts? What specifically do you propose to do about this, if elected?

10. What are the issues regarding alternative sentences for non-violent offenders?

11. What is your general judicial philosophy?

12. What is your vision for the future of our judicial system: What changes would you advocate and why?

13. Do judges have an obligation to improve public understanding of the courts? If so, how should they carry out that obligation?
14. What are your views on whether the court, as a whole, deals effectively with racial and gender bias?
15. Please describe your first-hand experiences, if any, dealing with people who are different from you socially, economically, or politically.
16. Would you favor or oppose a system in which all sentencing decisions were routinely reported in local newspapers, indexed by the name of the judge?
17. Would you be willing to act as a settlement judge? What are the pros and cons of alternative dispute resolution?
18. How do you feel about changing court rules to transfer more of the routine and less serious matters to court commissioners and district court judges?
19. What should be the role of private judging companies (such as Judicial Arbitration and Mediation Service) in the judicial system?
20. Do you think the court system is working or do you believe the civil or criminal justice system is breaking down?
21. What types of clients have you represented while you have been an attorney?
22. What are your views on the need for more diversity on the bench and the manner in which the court treats members of different races?
23. Why should voters support you rather than your opponent?
24. What were the most important cases you had as a lawyer and why did you take the position you did in those cases?
25. Why do you believe you received the ratings received from the organizations which rated you for the position of judge? Why do you believe you received the evaluations you received from the organizations that rated you for your position on the bench? (incumbents only).
26. What are the major issues involved in the debate regarding gun control?
27. Do you possess any expertise in a field other than law?
28. To what extent do you believe that a judge should or should not defer to the actions of a legislature?