

**WRITTEN PROCEDURES OF THE
JUDICIAL QUALIFICATION EVALUATION COMMITTEE
OF THE LOUDOUN COUNTY BAR ASSOCIATION
October 29, 2019**

Section 1: Candidate Qualification Evaluation Process

The Judicial Qualification Evaluation Committee (“the Committee”) of the Loudoun County Bar Association (“the Association”) shall be concerned with the selection of judges for all state courts in the 20th Judicial Circuit, unless otherwise directed by the Association’s Board of Directors or the membership.

(a) Initiation of the Process

The judicial candidate qualification evaluation process shall begin upon the occurrence of any of the following events:

- (1) The public announcement by a sitting judge that he or she plans to step down from the bench either by not seeking reappointment or by taking retirement on a date certain;
- (2) The creation of a new judgeship or the recommendation to create a new judgeship made by a committee of the General Assembly;
- (3) The decision of the General Assembly to not reappoint a sitting judge;
- (4) The existence of multiple candidates during the re-appointment process for a sitting Judge; or
- (5) The existence of a judicial vacancy.

(b) Announcement and Solicitation of Candidates

As soon as practicable upon the occurrence of any event listed in Section 1(a), the Committee Chair shall cause an announcement to be distributed to the members of the Association, the members of the Fauquier County Bar Association and the members of the Rappahannock County Bar Association, forthwith, through the Secretary of the Association, by electronic means or, in the discretion of the Committee, by other means calculated to reach the membership. The Committee Chair may also cause an announcement to be distributed to other interested persons who are not members of the aforementioned Bar Associations. The announcement shall contain the following information and such additional information as the Committee deems appropriate:

- (1) A description of the judicial position;
- (2) A statement of the reason for the announcement;
- (3) The expected date upon which the position would be filled, if known;
- (4) A deadline date and time, set by the Committee, by which persons interested in the position will be required to express their interest to the Committee in order to be considered for an endorsement of the Association; and
- (5) A statement of the name, address, and telephone number of the Chair of the Committee or such other person to be designated by the Committee to whom such statements of interest should be directed.

The failure of a potential candidate to submit a statement of interest by the deadline set by the Committee shall preclude the Committee's consideration of that potential candidate unless good cause for the lateness is shown to the Committee.

(c) *Distribution of Questionnaires; Submission*

Upon receipt by the Committee of a statement from an individual that he or she wishes to be considered for the endorsement of the Association, the Committee shall immediately make the questionnaire required by these procedures available to such person in printed or electronic format. The questionnaire is set forth as **Attachment 1**. The questionnaire consists of two parts, the second part being questions deemed confidential, the answers to which shall be reviewed only by the members of the Committee. The questionnaire may be amended by the Committee from time to time in its discretion; provided, however, the Committee shall not amend the questionnaire during a judicial candidate qualifications evaluation process.

(1) The Committee shall inform each interested person that the questionnaire must be returned to the Committee in the format prescribed by the Committee no later than the close of business on the seventh (7th) day after the deadline established pursuant to Section 1(b)(4) or at such other date as may be established by the Committee.

(2) All interested persons must submit a completed questionnaire to the Committee in the format required by the Committee by the deadline set by the Committee in order to be considered by the Committee and in order to be considered for the endorsement of the Association.

(3) An original of the questionnaire must be printed, signed by the candidate and delivered to the Committee by the date established pursuant to Section 1(c)(1).

(4) The failure to submit the completed questionnaire in a timely manner shall preclude a candidate's consideration by the Committee and the Association, absent good cause shown for the lateness by the candidate to the satisfaction of the Committee.

(5) At a time specified by the Committee and announced to the Association, upon request of a Member to the Committee, copies of the answers of the candidates to the first (non-confidential) part of the Questionnaire shall be provided to a Member of the Association via email.

(d) *Evaluation Forms*

(1) Prior to the candidate interviews, the Committee will distribute to each member of the Association, members of the Fauquier County Bar Association and members of the Rappahannock County Bar Association, by electronic means, a form for evaluation of and comment about any judicial candidate. The Committee will also make evaluation forms available to members of the Association in the law library. The Committee may receive and consider evaluation forms from the general public, to include non-attorneys. The evaluation form will state on its face the date upon which it must be returned to the Committee for consideration.

(2) The evaluation form shall be as shown in **Attachment 2** of these Rules, and may be amended by the Committee from time to time in its discretion; provided, however, the Committee shall not amend the evaluation form during a judicial candidate qualifications evaluation process.

(3) In order to be considered, an evaluation form must contain the name of the person who is completing the form and the signature of that person.

(4) The evaluation forms will be distributed to each member of the Committee prior to candidates' interviews.

(e) Interviews

(1) Interviews shall be conducted at such time and place as designated by the Committee. Interviews of the judicial candidates shall not be open to the membership or public.

(2) During the interviews, all candidates will be asked a series of questions. The questions to be asked will be determined by the Committee and the Committee shall not disclose the questions to the candidates or to anyone else in advance of the interviews. All candidates will be asked the same questions by the Committee. In addition thereto, the Committee may ask follow-up questions to complete and clarify responses made by candidates during their interviews or in their responses to the questionnaires.

(3) Members of the Association may submit questions for the judicial candidates for consideration by the Committee at any time prior to the commencement of the interviews.

(f) Consideration of Candidates' Qualifications

(1) As soon as practicable after receipt and consideration by the Committee of the evaluation forms by members of the Association and after the candidates' interviews, the Committee will meet to consider the candidates qualifications.

(2) At its meeting, the Committee shall determine which, if any, of the candidates are highly recommended, recommended, not recommended but qualified, or not qualified. In making its decision, the Committee shall consider all of the information available to it, and shall specifically consider the following criteria, as identified in the American Bar Association guidelines (**Attachment 3**):

- (i) Integrity;
- (ii) Legal knowledge and ability;
- (iii) Professional experience;
- (iv) Judicial temperament;
- (v) Diligence;
- (vi) Public service;
- (vii) Health; and
- (viii) Financial responsibility

(3) The designations “highly recommended”, “recommended”, “not recommended but qualified” or “not qualified” shall have the following meanings:

(i) **Highly Recommended:** A candidate whose qualifications, either considered on their own merits or weighed against those of other candidates for the position, or both, are significantly above the minimum criteria as set forth in the ABA guidelines and whom the Committee favors for the specific vacancy;

(ii) **Recommended:** A candidate whose qualifications, either considered on their own merits or weighed against those of other candidates for the position, or both, are above the minimum criteria as set forth in the ABA guidelines and whom the Committee supports for the specific vacancy;

(iii) **Not Recommended but Qualified:** A candidate who meets the criteria as set forth in the ABA guidelines but whom the Committee does not support for the specific vacancy;

(iv) **Not Qualified:** A candidate who does not meet the criteria as set forth in the ABA guidelines.

(g) All interviews of the candidates, discussions of the Committee, evaluations submitted by the membership, the designated portion of the questionnaires completed by the candidates and other communications shall be confidential except that a final report of the findings of the Committee shall be prepared for transmittal to the membership. At a minimum, the final report shall include: (a) a summary of the process followed by the Committee in making its determinations; (b) an explanation of the designation categories; (c) candidate biographical information, as provided by the candidate, and a non-exhaustive list of the factors that the Committee considered in arriving at the respective designation for each candidate.

Prior to publishing its findings to the membership, the committee shall advise each applicant of his or her determined designation and offer the candidate a reasonable opportunity to withdraw his or her name from consideration by the membership. Once prepared, the final report shall be distributed to the membership and shall also be forwarded to the appropriate committees and members of the legislature, including all members of the House and Senate representing constituents from Loudoun County.

Section 2: Procedure in Certain Cases

(a) It is anticipated that there may be circumstances in which there is a vacancy in which there will not be sufficient time for the Committee to perform all of the functions set forth in Section 1 before the General Assembly or other appointing authority makes a decision on a judicial appointment.

(b) If the Committee determines, upon learning of a judicial position to be filled, that there is insufficient time in which to affect the process under Section 1, the Committee is authorized to perform some or all of those steps, or to take such other steps to gather information and solicit evaluations on the qualifications of the candidates as time allows.

(c) In such cases, the Committee shall, after taking such steps as it deems possible in the time allowed, meet and consider all of the information it has gathered, and shall otherwise proceed as required by Section 1(g).

Section 3: Vote of Preference (Endorsement)

At the conclusion of the Committee process, a meeting of the Association will be held at which candidates shall have the opportunity to address the Association. The membership shall then vote on the candidates, with one vote per judicial vacancy. Votes may be cast at the meeting or by sealed ballot deposited with the Secretary of the Association not later than noon the day of the meeting, or as otherwise provided in the notice of meeting. The ballot shall have all names of candidates who have been evaluated by the Committee and who have not withdrawn their names from consideration. No nominations will be accepted from the floor. The vote totals shall be communicated to those persons or organizations specified in Section 1(g), together with a description of the process for the designation, the number of members eligible to vote, the total number of votes cast, and the number of the votes cast for each candidate.

Section 4: Duty of Fidelity

(a) No member of the Committee shall make any advance commitment concerning how he or she will vote at any Committee meeting concerning the qualifications of any person to be considered by the Committee.

(b) Except as herein otherwise specifically provided, the discussions at the Committee meetings pertaining to the qualifications of persons to be considered by the Committee shall be completely confidential. No member of the Committee shall disclose to anyone not a member of the Committee any action taken by the Committee or any statement made at a Committee meeting pertaining to the qualifications of any person whose name has been submitted to, or has been considered by the Committee.

(c) It shall be regarded as a violation of the fidelity a member owes to the other members of the Committee, and to the public trust undertaken upon becoming a member of the Committee, for any member to make a commitment or disclosure in violation of this section. Any member who makes such a commitment or disclosure shall be subject to removal as a member of the Committee by the Board of Directors.

(d) A member of the Committee may be removed by the Board for violation of any of the duties set forth in Section 4. If removal of a member is sought, the member shall be entitled to a written notice specifying the proposed grounds for removal and shall be entitled to a hearing before the Board of Directors after at least ten days have passed since such written notice has been mailed to the business address of such member.

(e) Any member of the Committee who becomes a candidate for a judicial office shall thereupon cease being a member of the Committee without further action by the Committee, Board of Directors, or membership of the Association. Any such vacancy shall be filled as provided in the bylaws. Such persons may not serve on the Committee for a period of two years thereafter. No current candidate for a judicial office shall become a member of the Committee.