

RULES AND PROCEDURES OF THE WOMEN LAWYERS ASSOCIATION
OF LOS ANGELES JUDICIAL OFFICE COMMITTEE
CONCERNING EVALUATION OF APPLICANTS FOR JUDICIAL OFFICE

RULE 1

General Scope of Committee's Charge

- 1.1 Women Lawyers Association of Los Angeles ("WLALA") may rate a person seeking a rating for judicial office (the "Applicant"). All such ratings shall be determined by a majority vote of Judicial Office Committee ("Committee") members present and voting and then approved by a majority vote of the Board of Governors present and voting at the Board meeting at which the Committee's rating is presented for Board approval.

RULE 2

Definitions of Rating to be Used in Rating an Applicant

- 2.1 **Qualified:** Possessing qualities and attributes necessary to perform the judicial function satisfactorily. To receive a "Qualified" rating, an Applicant must demonstrate a threshold level of competence in all three of the following areas:
- A. Professional Competence, including:
 - a. Intelligence;
 - b. Analytic ability;
 - c. Legal knowledge;
 - d. Organizational ability;
 - e. Writing ability, demonstrated by at least two writing samples, preferably filed under the Applicant's name in a civil or criminal proceeding, which demonstrate the Applicant's knowledge of the law and the ability to analyze and apply it;
 - f. Ability to express her/himself orally;
 - g. Experience with various aspects of legal practice, including courtroom experience; the Applicant shall have actual courtroom experience or be able to demonstrate an understanding and working knowledge of the practice of law in the courtroom;
 - h. Demeanor appropriate to a judge; and
 - i. A commitment to hard work, thoroughness of preparation, and execution of duties.
 - B. Commitment to WLALA's goals. Fundamental goals of WLALA include the promotion of the full participation of women in the legal profession and improving the status of women in society generally.
 - C. Commitment to equal justice under the law and freedom from improper bias.

- 2.2 **Well Qualified:** In addition to meeting the requirements for a rating of “Qualified,” to be rated “Well Qualified” an Applicant must show with specific examples the Applicant’s outstanding fitness for the bench in the areas detailed in Section 2.1, and an active commitment both to women’s rights and to human rights generally. The length of time an Applicant has dedicated to these principles, and the nature and type of activity engaged in, will be considered to determine an Applicant’s level of active commitment. Recognizing that a person can demonstrate an active commitment to women’s rights and human rights in many ways, consideration can be given to active membership in organizations and the Applicant’s involvement in the community and/or the workplace.
- 2.3 **Exceptionally Well Qualified:** In addition to meeting the requirements for a rating of “Well Qualified,” an Applicant rated “Exceptionally Well Qualified” must demonstrate that she/he shows exceptional fitness for the bench. A rating of exceptionally well qualified will be reserved for extraordinary candidates.
- 2.4 **Not Seasoned:** Possessing qualities and attributes demonstrating potential for qualification after further experience.
- 2.5 **Not Qualified:** Possessing less than the minimum qualities and attributes necessary to perform the judicial function satisfactorily.
- 2.6 **Abstain:** WLALA abstains from rating an Applicant for any reason.

RULE 3

Procedures to be Followed by the Committee

- 3.1 One or more Committee members shall be assigned to investigate and report to the Committee regarding any Applicant. One Chair or Co-Chair of the Committee shall oversee the investigation to assure compliance with the rules of the Committee and efficiency.
- 3.2 Before starting the investigation, the investigator shall give the Applicant WLALA’s ratings and criteria in a form similar to Exhibit A and the Request attached as Exhibit B. The investigator shall advise the Applicant that at least thirty (30) evaluators must respond to a request for a confidential evaluation, including five (5) from the Applicant’s opposing counsel, and therefore, the Applicant should provide the names, addresses and telephone numbers of not less than thirty-five persons who have knowledge of the Applicant’s qualifications. For Applicants who have held judicial office for three or more years, the required number of opposing counsel may be reduced or waived. The Applicant shall also provide the current or last known address of the opposing counsel in any litigation cases included in the Applicant’s Request or the Personal Data Questionnaire attached to the Request.
- 3.3 The Confidential Evaluation Questionnaire attached as Exhibit C will be sent to persons likely to have knowledge of the Applicant’s qualifications. The investigator shall send Confidential Evaluation Questionnaires to all names listed in the Applicant’s Personal Data Questionnaire; and otherwise supplied by the Applicant. Additional Confidential Evaluation Questionnaires may be sent, in the

judgment of the investigator, to any other persons reasonably believed to have knowledge of the Applicant's qualifications.

- 3.4 Any investigator who receives negative comments concerning an Applicant shall make a reasonable effort to contact the source(s) of the comments and report to the Committee the results of the contact.
- 3.5 The form and manner of the investigator's report shall be at the discretion of the Committee Chair/Co-Chair. However, each investigator shall report the number of Confidential Evaluation Questionnaires sent out, the number of responses received, and the substance of the responses.
- 3.6 The Committee's votes on a rating shall be reported solely by numerical vote of the Committee and not by the name of the Committee members. Members may abstain from voting on any Applicant for any reason. Any member who has either been disqualified or recused from participation in the vote on a particular Applicant shall be listed as not voting.
- 3.7 The Committee shall have available for its consideration an Applicant's completed Request, and any supporting documentation or letters accompanying it furnished by the Applicant or her/his references or others contacted by the Committee.
- 3.8 The Committee may also seek the input of other organizations that have rated or endorsed or that may have knowledge of the Applicant.
- 3.9 A subcommittee of three (3) or more Committee and/or Board members shall interview the Applicant. The interviewers shall then each state what rating she/he would give and the reason, and vote on ratings. The highest rating that can command a majority of the votes shall be the Committee's recommendation to the Board of Governors.
- 3.10 The Committee shall not conduct more than one (1) evaluation of an Applicant within a twelve (12) month period, unless the Applicant requests an evaluation for a different judicial office, in which event the Committee, in its sole discretion, may determine whether to conduct a new evaluation of the Applicant or report the results of the previous investigation and evaluation. An expedited rating process requiring only the receipt of 10 Confidential Evaluation Questionnaires may, at the discretion of the Committee, be used to evaluate Applicants who have been evaluated within the last twenty-four (24) months who are seeking a different judicial office than their original evaluation. The 10 evaluators must be different from those who evaluated the applicant previously.
- 3.11 The evaluation of an Applicant shall be based solely on the individual merit of that particular Applicant, and not in relation to any other name or Applicant being considered for the same judicial office.

The Committee shall use the criteria set forth in Rule 1 to set the Applicant's rating.

RULE 4

- 4.1 The Committee shall report its rating to the Board of Governors.

- 4.2 The Board of Governors must ratify the Committee's recommended rating by a majority vote of those present and voting at a Board meeting before such rating becomes effective.
- 4.3 The Board of Governors shall approve the rating recommended by the Committee before the rating can be sent to the appointing authority.
- 4.4 The rating will not be communicated to the Applicant unless the applicant receives a rating of Not Qualified, at which point the Applicant will have the opportunity to withdraw his or her application. The rating approved by the Board of Governors constitutes the final opinion of WLALA.

RULE 5

Conflict of Interest

- 5.1 This rule is intended to establish standards and procedures to assist Committee members in avoiding conflicts of interest, bias or prejudice that may interfere with the Committee's ability to discharge its duties.
- 5.2 If a Committee member has or has had a significant familial, professional, business, social, political, or other relationship, either adversarial or allied, direct or indirect, with an Applicant, she/he shall immediately disclose to the Committee Chair the nature and circumstances of the relationship. If the Committee member is a Committee Chair, she/he shall immediately disclose her/his relationship to the President of WLALA. The Committee Chair or the President of WLALA, as the case may be, shall determine whether the disclosed relationship compromises the Committee member's ability to impartially investigate the Applicant. If so, that Committee member shall not serve as an investigator or interviewer of the Applicant and shall abstain from voting on the rating of the Applicant.
- 5.3 The decision of the Committee Chair concerning a conflict of interest shall be appealable to the President of WLALA. The decision of the President of WLALA shall be final.

RULE 6

Documents to be Used

- 6.1 In addition to the materials referenced in Sections 3.2 and 3.3, the standard cover letter to be provided to each Applicant shall be in a form similar to Exhibit D.
- 6.2 The Committee shall develop a list of standard questions to ask the Applicant at the in-person interview. The Committee shall not be restricted to those questions but may inquire into any areas as it may determine appropriate regarding the criteria outlined above.

RULE 7

Publicity

- 7.1 The Committee will, from time to time, and not less than twice per calendar year in August and February, send a press release to The Daily Journal explaining the Committee's guidelines, listing any application deadline, and providing contact

information. The Committee shall also take affirmative steps to determine the identity of all potential Applicants for whom an evaluation may be appropriate and shall send a letter to them making known WLALA's evaluation and rating process and procedures.

RULE 8

Confidentiality & Publication of Rating

- 8.1 Except as otherwise provided herein, this rule prohibits disclosure of any information of any nature to anyone other than as referenced in this section.
- 8.2 All phases of the Committee's evaluation process and activities and all other matters related to the evaluation of the Applicant are absolutely confidential, and shall not be disclosed except to other Committee members and members of WLALA's Board of Governors.
- 8.3 The rating of an Applicant as adopted by the Board of Governors shall be announced in a letter from the Committee Chair to the appointing authority. The contents of the letter will remain confidential.
- 8.4 The rating of an Applicant as adopted by the Board of Governors may be communicated to the appropriate persons at other bar associations who are evaluating an Applicant at the discretion of the Committee Chair. The substance of the interview, evaluations, letter to the appointing authority, and Application shall be kept confidential.
- 8.4 The rating of an Applicant as adopted by the Board of Governors may be communicated to WLALA membership, to the public, and to the press at the discretion of the WLALA Executive Committee. The substance of the interview, evaluations, letter to the appointing authority, and Application shall be kept confidential.
- 8.5 WLALA shall retain in its possession any Applicant's completed Request, Confidential Evaluations and any related materials for a period of at least two (2) years following such investigation and evaluation, after which time such materials shall be destroyed, unless otherwise instructed by WLALA's Board of Governors.

Rule 9

Appointment and Removal of Committee Members

- 9.1 The Committee shall be composed of the following:
 - A. A Chair or Co-Chairs who is/are a member or member(s) of WLALA's Board of Governors, appointed by the President of WLALA.
 - B. Such other members of WLALA, in good standing, who may express interest in serving on the Committee.
- 9.2 The Committee Chair may prohibit a member of WLALA from participating in an evaluation of an Applicant if the member has failed to perform assigned tasks in connection with the investigation of the Applicant or otherwise participate in the

evaluation process. Any removal of a Committee member will be done only for cause, in consultation with the member and the President of WLALA.

- 9.3 No Applicant shall participate other than as an interviewee in any meeting, deliberation, or vote concerning her/his own Application. No campaign manager or campaign member, staff person (volunteer or paid), or any other person who has solicited or is soliciting financial contributions for an Applicant shall participate in any Committee meeting, interview, deliberation, or vote with respect to that Applicant.
- 9.4 If a member of the Committee provides a recommendation or reference for an Applicant, that person is ineligible to serve on the WLALA interview panel for that Applicant.

RULE 10

Violation of these Rules

- 10.1 Any violation of these rules and procedures shall be the sole basis for rescinding the rating of any Applicant. Before a rescission of a rating, some prejudice to the Applicant or to the efficacy of WLALA's rating process shall have occurred.
- 10.2 A request for rescission of a rating based upon a claimed violation of these rules and procedures may be made by the Applicant, a member of the Board of Governors, or any five (5) WLALA members in good standing and must be made within fifteen (15) business days of the date notice of the Board of Governor's rating was given to the Applicant.
- 10.3 A request for rescission of a rating will be reviewed by a five-member Committee (the "Reconsideration Committee") composed of the Chair or Co-Chair and four (4) other members of the Committee and/or of the Board of Governors who were not involved in an investigation of the Applicant.
- 10.4 The Reconsideration Committee, in its absolute discretion, may rescind the rating if the Reconsideration Committee finds that any of the following has occurred: (a) violation of the rules and procedures materially affecting the processing of the evaluation; (b) conflict of interest or bias in the processing of the evaluation; (c) inadequate or biased mailing list used in the evaluation; or (d) new evidence is available that the Applicant had no reasonable opportunity to present, which evidence, if presented, could have changed the result. Should the rating be rescinded, and upon written request of the Applicant after her/his being notified of such rescission, the Reconsideration Committee may institute a new investigation with new investigators.

Adopted by resolution of the WLALA Board of Governors, on _____ 2018.

Certified this _____ day of _____, 2018, at Los Angeles, California.

Secretary

EXHIBIT "A"

Fundamental goals of Women Lawyers Association of Los Angeles ("WLALA") include the promotion of the full participation of women in the legal profession and improving the status of women in society generally. Any person seeking a rating for judicial office from WLALA (the "Applicant") must demonstrate efforts to advance these goals and an understanding of, appreciation for, and support of the fundamental goals of WLALA.

Definitions of Rating

WLALA will examine an Applicant or Candidate seeking evaluation under the following three categories:

- A. Professional Competence, including:
 - a. Intelligence;
 - b. Analytic ability;
 - c. Legal knowledge;
 - d. Organizational ability;
 - e. Writing ability, demonstrated by at least two writing samples, preferably filed under the Applicant's name in a civil or criminal proceeding, which demonstrate the Applicant's knowledge of the law and the ability to analyze and apply it;
 - f. Ability to express her/himself orally;
 - g. Experience with various aspects of legal practice, including courtroom experience; the Applicant shall have actual courtroom experience or be able to demonstrate an understanding and working knowledge of the practice of law in the court being applied to and the courts;
 - h. Demeanor appropriate to a judge; and
 - i. A commitment to hard work, thoroughness of preparation, and execution of duties.
- B. Commitment to WLALA's goals, including the promotion of the full participation of women in the legal profession and improving the status of women in society generally.
- C. Commitment to equal justice under the law and freedom from improper bias.

Evaluation Procedures:

An Applicant or Candidate will be permitted to withdraw her/his Request once a completed Request has been received by WLALA only if the Applicant or Candidate has been informed that he or she will receive a rating of "Not Qualified." WLALA reserves its right not to issue an evaluation if the required number of thirty evaluations, including five (5) from opposing counsel, if applicable to the employment of the Applicant, are not received by WLALA and/or the Applicant does not participate in the required interview before the Committee

It is the policy of WLALA that once a completed Request has been received, WLALA will rate the Applicant or Candidate based upon the information contained in the Request and upon any references or evaluations received by WLALA.

An Applicant or Candidate who has requested an evaluation or rating from WLALA shall agree that the rating given by WLALA shall not constitute the basis for any claim or suit for defamation, libel, slander, or any other tort, and that by consenting to the evaluation process of WLALA the Applicant or Candidate agrees to waive any such claims and the right to pursue any such claims in any court proceeding.

All ratings are final and cannot be reconsidered except for a claimed violation of WLALA's rules and procedures.