

# GUIDELINES, RULES AND PROCEDURES

of the

Allegheny County  
Bar Association

# JUDICIARY COMMITTEE

Amended February 1, 2022  
by the ACBA Board of Governors

# The Allegheny County Bar Association

## Judiciary Committee

### Guidelines, Rules, and Procedures

#### 1. Introduction and Purpose

The Judiciary Committee (“Committee”) is comprised of members elected by their peers and fellow members of the Allegheny County Bar Association, to evaluate prospective judicial candidates and assessing a candidate’s professional qualifications and competence, integrity, commitment to equal justice, and judicial temperament. The results of the Committee’s investigation and evaluation of each candidate shall be published in accordance with these rules and procedures for the benefit of the legal community and general public. The Committee members are not compensated for their Committee work, place no weight in any candidate’s designated political party and are not permitted to affiliate with, donate to or publicly endorse any one candidate over another during their term.

The Committee is comprised of thirty-three (33) members, each serving a three (3) year term; plus, the President and President-Elect of the Allegheny County Bar Association (“Bar Association” or “Association”), both of whom shall serves as *exofficio* members of the Committee without a vote.

Membership on the Committee shall be divided into three (3) groups, so that only eleven (11) members shall be elected at any one annual election.

Five (5) members shall be elected annually to fill seats designated for a member who regularly appears in each of these courts: appellate court, civil court, criminal court, family court and orphans court practice.

Three (3) members shall be elected annually to fill seats designated as diverse seats on the committee.

Two (2) members shall be elected annually to fill the at-large seats.

One (1) member shall be elected annually to fill the Young Lawyer seat. The Young Lawyer seat will be defined as an active member admitted to practice law for a period of not in excess of ten (10) years.

Any vacancy in the membership of the Committee, other than the *ex officio* members, shall be filled by the Board of Governors by the appointment of an eligible person to serve during the unexpired portion of the term of his or her predecessor.

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No member of the Committee may hold simultaneously any other office in the Association which office results in membership on the Board of Governors as described in Section 8.1 of these By-Laws. No member may be re-elected to the Committee following the end of his or her term until one (1) year shall have elapsed.

No member of the judiciary, or any clerk or member of the staff of a member of the judiciary, whether part-time or full-time, shall be eligible for election to or to serve as a member of the Judiciary Committee.

The individual members of the Committee are prohibited from participating in the campaign efforts of a candidate for judicial office, which broad prohibition includes contributing money to a candidate, promoting a candidacy or serving on a campaign committee. No Committee member may hold simultaneously any other office in the Bar Association, which office results in membership on the Board of Governors of the Bar Association (“Board of Governors”), as described in Section 8.1 (a) of the Bar Association By-Laws (“By-Laws”), nor may such Committee member be re-elected for a second consecutive term on the Committee.

The Committee is charged with: 1) considering the qualifications of all candidates for judicial office who as judges will preside in the Courts Of Allegheny County, as that term is defined in Section 2 hereof, and, in its discretion, all other courts set forth in Section 2 hereof, whether such office is to be filled by election, appointment, or is subject to retention election; 2) rating such candidates; 3) certifying the results in accordance with the By-Laws; and 4) all other duties or responsibilities approved or authorized by the Board of Governors.

The Committee, in these Guidelines, Rules, and Procedures (“Guidelines”), seeks to provide: 1) a clear and concise explanation of the applicable rules and procedures used in considering candidates for judicial office; 2) a list of those qualities the Committee considers to be of importance in determining the qualifications of a candidate for judicial office; and 3) an explanation of the manner in which the results of any Committee action will be designated or utilized by the Bar Association or any committee thereof. These Guidelines also include the rules by which the Committee operates in carrying out its other responsibilities. These Guidelines have been approved by the Board of Governors and, after such approval, published in the Pittsburgh Legal journal.

It is the Committee's intention that these Guidelines, unless amended, shall govern all situations contemplated by the By-Laws of the Bar Association, in which the Committee is authorized to act.

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## 2. Jurisdiction

These Guidelines shall govern Committee consideration and action regarding these judicial offices:

Court of Common Pleas of Allegheny County  
Commonwealth Court of Pennsylvania  
Superior Court of Pennsylvania  
Supreme Court of Pennsylvania  
United States District Court for the Western District of Pennsylvania  
United States Court of Appeals for the Third Circuit  
Supreme Court of the United States  
United States Bankruptcy Court for the Western District of Pennsylvania  
Office of United States Magistrate Judge in the United States District  
Court for the Western District of Pennsylvania

The term “Courts of Allegheny County” shall mean the Court of Common Pleas of Allegheny County.

The term “judicial candidate” or “candidate for judicial office” shall mean any candidate for the courts or judicial systems described in this Section 2, whether by election or by appointment, and, where appropriate, also shall include an incumbent judge standing for retention election.

The Judiciary Committee shall rate any candidate seeking appointment or election to the Allegheny County Court of Common Pleas who resides in Allegheny County, or has a principal office or place of law practice in Allegheny County. The Judiciary Committee may rate any candidate who is seeking statewide judicial office who resides in or has a principal office or place of law practice in Allegheny County, or who is a judge of a Court of the Commonwealth of Pennsylvania with a judicial office in Allegheny County.

The Judiciary Committee may rate candidates seeking appointment to the U.S. District Court for the Western District of Pennsylvania or the U.S. Court of Appeals for the Third Circuit whose judicial office is or will be located in Allegheny County. The Committee may only evaluate a candidate who resides in or has his or her principal office or place of practice in Allegheny County.

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### 3. General Rules

a. The Committee shall evaluate candidates for judicial office. If multiple vacancies occur, the Committee shall evaluate candidates at least equal in number to the number of vacancies.

b. For all candidates evaluated before August 31, 2017, the Committee's rating of any person shall expire five (5) years from the date on which the person's evaluation was completed by the Committee, and for all candidates evaluated on or after September 1, 2017, the Committee's rating of any person shall expire two (2) years from the date on which the person's evaluation was completed; provided, however, when the rating period expires during the year of a Municipal Election cycle, the rating shall expire on December 31 of that year, or sooner if:

(i) Such person directs in writing that his or her name be withdrawn from the Committee's list of rated judicial candidates, provided; however, that if such person again becomes a candidate for judicial office within the candidates' five (5) or two (2) year period of the evaluation by the Committee, that rating shall be reinstated for the balance of such five (5) year or two (2) year term;

(ii) Such person is disciplined pursuant to the Pennsylvania Rules of Disciplinary Enforcement, the Rules and Procedures of the Disciplinary Board of the Supreme Court of Pennsylvania, The Code of Judicial Conduct or the rules of any state or federal court; or,

(iii) The Committee, on its own motion and on the basis of direct evidence, decides to re-evaluate a candidate for judicial office, and by Committee action does so. If the Committee acquires information which leads it to consider whether to revise its prior rating pursuant to this subpart (iii), the candidate shall be given the opportunity to appear before the Committee and to present any relevant information before the Committee takes any action which could result in the candidate's rating being changed.

c. The Committee's rating of any person shall apply only for the particular court or judicial office for which the person has appeared before the Committee as a candidate, with the following exceptions: a rating by the Committee for a candidate for the position of Justice of the Supreme Court of Pennsylvania shall apply to that person's candidacy for the Superior Court of Pennsylvania and the Commonwealth Court of Pennsylvania.

d. A person who received a five (5) year rating from the Committee may request the Committee to re-evaluate that person's rating for the same judicial office at any time prior to the expiration of the five (5) year period; provided, however, before the Committee conducts any requested re-evaluation, the person must provide the Committee with responses to the questionnaire then being used by the Committee at the time of the re-evaluation and execute a written consent to publish the non-confidential portions of the responses.

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e. If multiple ratings by the Committee of a candidate for a particular judicial office occurs, the Committee's most recent rating of a candidate for said judicial office shall prevail.

f. Names submitted to the Committee for consideration by an appointing authority shall not be entitled to any presumption of merit.

g. The Committee directs that, by the first meeting of the Committee next following his or her election to the Committee, each person who is elected and qualifies as a member of the Committee pursuant to the By-Laws be presented with copies of: (i) the Association By-Laws, as amended; (ii) these Guidelines, as amended; and (iii) a current alphabetical list of candidates, their current ratings by the Committee, and the dates of such ratings.

(i) Each member of the Committee promptly shall advise the Chair of the Committee if he or she knows of any information adverse to the persons on the current ratings list which might necessitate the Committee's reconsideration pursuant to subparagraph (b) above. Such information may include the candidate's literature and speeches or any other matter which may affect the candidate's rating. In the event that the information may lead to a change in rating, the candidate will be given the opportunity to appear before the Committee before any vote by the Committee which changes the rating.

#### **4. Special Rules**

##### **a. Qualifications of Judicial Candidates**

(i) Each judicial candidate shall provide the Committee with responses to a questionnaire in such form as may from time to time be adopted by the Committee and to execute a written consent to publish the non-confidential portions of those responses. The Committee shall require each person on the ratings list to annually file with the Committee a statement detailing any change in the information contained in any questionnaire previously filed, and if there are no changes to so state.

(ii) The desired qualifications for judicial candidates are set forth in Appendix A hereto. Such qualifications shall apply to all candidates for judicial offices in the courts and judicial systems set forth in Section 2 hereof.

##### **b. Retention Elections**

(i) General. In the absence of merit selection and to the extent that the members of the Bar Association are better qualified to advise the general public respecting the capabilities and capacities of those incumbent judges of the Court of Common Pleas of Allegheny County and the Pennsylvania appellate courts who stand for

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retention election, the Bar Association is faced with the practical necessity of evaluating the performance of such judges. Consequently, the Committee is obligated specifically to make this evaluation as follows: (1) Where incumbent judges of the Court of Common Pleas of Allegheny County are running unopposed for retention, the Committee shall conduct a poll of the membership of the Bar Association on the question of the current qualifications and fitness of the incumbent judges seeking to be re-elected for an additional term; (2) Where incumbent judges from Allegheny County are running for retention for appellate courts, the Committee may conduct a poll of the membership of the Bar Association on the current qualifications and fitness of such incumbent judges seeking to be re-elected for an additional term. The results of such polls shall be certified by the Chair of the Committee to the President of the Bar Association.

(ii) Qualifications. The qualifications for a judicial candidate set forth in Appendix A hereto also shall apply to any incumbent judge standing for retention election.

(iii) Poll of the Bar. The Committee shall conduct a poll of the members of the Association on the question of the current qualification and fitness of all incumbent judges of the Court of Common Pleas of Allegheny County standing for retention election. In any retention election poll, the incumbent judge seeking retention shall be declared "Recommended," if 50% plus one or more of those voting for that judge shall vote in favor of retention. Such judge shall be declared "Not Recommended," if 50% or less than those voting for that judge shall vote in favor of retention.

(iv) Ballot Form. The form of ballot for the retention poll is set forth in Appendix B hereto.

(v) Results. The results of the retention poll shall be published in the manner set forth in these Guidelines.

c. Evaluation of Candidates

(i) The Committee shall make every effort to determine the identity of all persons who are candidates for judicial office in the courts and judicial systems set forth in Section 2 hereof. The Committee shall invite each candidate for judicial office in the Courts of Allegheny County to participate in the Committee's evaluation process and may invite all candidates for other judicial offices to participate in the Committee's evaluation process. Participation will include, at a minimum, the submission of a completed questionnaire and participation in an

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interview in order to aid the Committee in its consideration of the candidate's qualifications to hold judicial office.

(ii) The Committee may, at its discretion, choose to consider the qualifications of candidates for other courts and invite them to participate in the evaluation process.

(iii) The interview phase will first consist of a preliminary interview by two to three members of the Committee employing the procedures set forth in Appendix F hereto. The entire Committee then shall interview each candidate and vote for a rating of the candidate at the completion of the interviews.

(iv) If an Allegheny County Court of Common Pleas candidate refuses or fails to participate in the evaluation process after being invited to do so by the Committee or intentionally fails to appear for the interview with the full Committee, the Committee is not obligated to conduct an investigation into the candidate's qualifications but rather shall rate the candidate as Not Recommended.

(v) All candidates seeking election to judicial office in the Courts of the Commonwealth of Pennsylvania will be asked to sign a judicial candidate pledge stating that they have familiarized themselves with the Code of Judicial Conduct and the Code of Civility and they agree to conduct their judicial campaign consistent with Canon 7 of the Code of Judicial Conduct. See Appendix G hereto.

(vi) The Committee by majority vote may invite a candidate to return to discuss any issues that were not raised when the candidate was interviewed by the Committee in the first interview. The Committee shall endeavor to confront all candidates with all adverse information at the time of the interview with the Committee. When feasible, the Committee may supply adverse information to a candidate before the meeting.

d. Vote of the Committee

All votes of the Committee with respect to evaluation and rating of judicial candidates shall be by secret ballot. In voting upon a judicial candidate, the vote of each member of the Committee shall be cast by selecting one of these categories:

1. Highly Recommended
2. Recommended
3. Not Recommended

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The quorum for all meetings to transact official business, including the vote on qualifications and ratings of candidates, shall be one more than 50% of the number of members on the Committee at the time of the meeting. Only those members, who are actually present during a candidate's interview by the Committee, where one is conducted, shall be eligible to cast a ballot regarding that candidate. The official ratings of the Committee shall be established for Highly Recommended by a 2/3 majority vote of the members in attendance at the meeting. The official ratings of the Committee shall be established by a majority of votes cast for the rating of Recommended, Not Recommended. If a majority of votes is not cast for any one of the above ratings, then:

(i) A candidate will receive a rating of "Recommended," if a majority of votes is cast for either "Highly Recommended," or "Recommended," when the two categories are combined;

(ii) A candidate will receive a rating of "Not Recommended," if the sum of the votes cast for the categories of "Highly Recommended and/or Recommended" is equal to the sum of votes cast for the categories of "Not Recommended."

e. Publication

(i) The Committee shall publish at least once in the Bar Association E-Newsletter a notice of any Committee interviews of judicial candidates, stating the scheduled date, time and place of such interviews, identifying by name the judicial candidates who shall be interviewed and offering all other members of the bar seeking judicial office the opportunity to be evaluated. The notice also shall state that written comments of members of the Bar and letters of recommendation in support of a candidate are invited and shall be received and maintained as confidential by the Committee in connection with the interview process. No more than three letters of recommendation for each candidate will be considered by the Committee. The source of any written comments received by the Committee shall be confirmed by a member of the Committee who may contact the member of the Bar submitting the written comments for verification of the source and to provide any necessary explanation for any such written comments submitted.

(ii) The Committee shall certify to the Board of Governors the results of its official ratings of judicial candidates after completing the evaluation process for each candidate and the results of any survey or poll of the members of the Bar Association. The results of any official determination of the qualifications of a candidate shall specify the rating of the Committee. The results of any survey or poll shall state (A) the number of members of the Association who voted; (B) the

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percentage which the number who voted bears to the total active membership of the Association; and (C) the results, by judicial candidate and for all judicial candidates, in descending order by number of affirmative votes, the affirmative and negative votes and the percentage that the affirmative votes bear to the total number of votes cast. The Board of Governors shall publish directly to the Bar Association's website and social media platforms the Committee's certified results within 2 business days after receipt of said results. The Bar Association shall also take steps to timely disseminate the results to its members through a written or electronic newsletter. Results will be displayed in alphabetical order within each rating category in the order of Highly Recommended, Recommended, Not Recommended. Prior to the listing of results within each rating category, the definition of said rating will also be published.

(iii) For all candidates who have executed a written consent to publish the non-confidential portion of their responses to the Committee's questionnaire, the Board shall publish such responses on or after the date of the certified results.

(iv) Committee interviews and evaluations of judicial candidates shall begin the 1<sup>st</sup> day of September for each calendar year and be concluded by the following 1<sup>st</sup> day of February.

## **5. Evaluation of Sitting Judges**

### **a. Frequency and Methodology of Survey**

In order to provide a fair, predictable, and regular process for the evaluation of the judiciary, the Committee may, with the approval of the Board of Governors, conduct a survey of sitting judges among all Active and Honorary Members of the Bar Association and attorneys practicing in the following government agencies and civil legal services organizations in Allegheny County: Allegheny County District Attorney's Office, Allegheny County Public Defender's Office, Allegheny County Solicitors, City of Pittsburgh Solicitors, United States Attorney, United States Public Defenders, KidsVoice Attorneys, Neighborhood Legal Services (NLS) Attorneys, Allegheny County Bar Foundation (ACBF) Juvenile Court Project Attorneys, and the Pennsylvania Attorneys General's Office Attorneys. The Board of Governors may, from time to time, include other attorneys in this survey at their discretion;

b. Where appropriate, and with the approval of the Board of Governors, the Committee shall:

(1) Exclude from participation in the survey those sitting judges being evaluated in the survey;

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(2) Utilize a secret ballot in the conduct of the survey and take all steps necessary to ensure the strict confidentiality of all ballots;

(3) Solicit from the Board of Governors and the judiciary their comments and suggestions with respect to the form, content, tabulation, and other procedures relative to the survey, with the express understanding that any such comments and suggestions may be made anonymously if so desired by any particular judge; and,

(4) Engage the services of professional pollsters and/or statisticians to assist the Committee with the design, interpretation and tabulation of the survey.

In accordance with the Article 21, Amendments and Interpretation of By-Laws, the By-Laws may be amended by a vote of two-thirds (2/3) of the members of the Board of Governors present and voting at any meeting in connection with which a quorum is present; provided that the results of such vote shall be published in the daily Pittsburgh Legal Journal and in the Bar Association E-Newsletter with in ten (10) days of the aforesaid vote to amend, accompanied by a notice to members that the By-Laws, as amended, shall become effective within twenty (20) days of the date of such publication unless a petition is filed with the Association signed by fifty (50) Active Members in good standing requesting a vote of the membership on the subject amendment(s), or particular portion(s) thereof. Upon receipt of such petition, the matter shall be placed before the membership for a vote at the next annual meeting of the membership or at a meeting specially convened for that purpose.

b. Control and Approval of Survey

(i) The final form and content of the survey, together with its tabulation, and any proposed retention of professional pollsters and/or statisticians are subject to prior approval by the Board of Governors.

(ii) The Committee shall certify the results of the survey to the Board of Governors, which shall be authorized to take whatever action, if any, the Board of Governors deems appropriate to publish the results.

**6. Interpretation**

The Committee reserves the right to interpret these Guidelines, if such becomes necessary, by a simple majority of those present and voting, a quorum being present in accordance with the By-Laws.

In general, the masculine shall include the feminine and the singular shall include the plural. Section headings are inserted herein solely for convenience of reference.

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The term “appointing authority” shall mean the Governor of the Commonwealth of Pennsylvania with respect to state or county judicial candidates, and any board or commission named either by the President of the United States or by the Governor to consider recommendations of persons as judicial candidates.

In the event of a conflict between the interpretation of these Guidelines and the By-Laws of the Bar Association, the By-Laws shall govern.

## **7. Secrecy and Fidelity**

Except as provided by these Guidelines, frank discussion by the Committee of the qualifications of judicial candidates or of incumbent judges will be inhibited if reported or revealed to the candidate under consideration or to the members of the Bar Association or the general public. Consequently, the members of the Committee pledge themselves to absolute secrecy in connection with all matters that come before the Committee with respect to the evaluations of judicial candidates or of judges then holding judicial office and with respect to any investigation or activity conducted pursuant to Section 8 hereof. In addition, any member of the Bar Association and all members of the staff of the Bar Association who, for whatever reason, are in attendance at Committee deliberations are under a similar injunction.

## **8. Study of Judiciary**

The Committee, on its own initiative or at the request of the Board of Governors, may become engaged in the collection of information or conduct studies or investigation relating to: (a) the conduct of judicial officers; (b) the conduct of the Courts of Allegheny County or of other courts; or (c) the judicial system.

## **9. Attendance**

Due to the importance of the business of the Judiciary Committee, it is critical that all members, to the extent possible, attend all meetings of the Committee, particularly those during which any judicial candidates are being evaluated or rated. If any member believes that work or other conflicts will prevent that member from fulfilling his or her duties, the person must resign from the Committee so that a replacement may be appointed by the Board of Governors.

## **10. Guidelines for Recusal**

It is the goal of the Judiciary Committee that all candidates who come before the Committee both understand and perceives that the process by which they are evaluated and rated is impartial and objective. Members of the Judiciary Committee should recuse themselves from the preliminary interviewing of

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candidates and discussions relating to a candidate's rating and from voting for a candidate's rating if such discussions and/or voting would create the appearance of impropriety. Specific instances in which members of the Committee should recuse themselves from the preliminary interview and discussion of a candidate and rating of a candidate include:

- a. Where the candidate is currently a partner, member or employee of the Committee member's firm;
- b. Where, during the three-year period immediately preceding the commencement of the Committee member's term, the Committee member served on or was named to the candidate's campaign committee;
- c. Where the Committee member has made a financial contribution or has participated in his or her firm's (or firm's PAC) decision to make a financial contribution to the candidate's election campaign;
- d. Where the Committee member is legally related to the candidate by blood, marriage or otherwise;
- e. Where the Committee member feels that he or she cannot maintain in confidence the discussions held regarding a particular candidate's rating;
- f. Where the Committee member, for his or her own reasons, believes that failing to recuse would create the appearance of impropriety.

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Adopted by the ACBA Board of Governors, February 1, 2022

## APPENDICES

- A. STATEMENT ON QUALIFICATIONS
- B. OFFICIAL BALLOT FOR RETENTION POLL
- C. JUDICIAL SURVEY EVALUATION CRITERIA
- D. STANDARDS FOR INTERPRETATION OF GUIDELINES
- E. JUDICIAL APPLICANT RATING SHEET
- F. PROCEDURE FOR INTERVIEWING AND INVESTIGATING JUDICIAL CANDIDATES
- G. CANDIDATE PLEDGE

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Adopted by the ACBA Board of Governors, February 1, 2022

## APPENDIX A

# ALLEGHENY COUNTY BAR ASSOCIATION

## JUDICIARY COMMITTEE

### STATEMENT ON QUALIFICATIONS

#### 1. General

The comments which follow with respect to particular qualities are the threshold test for consideration of any judicial candidate, but neither the Committee nor the members of the Bar Association can know with certainty what qualities in a lawyer are best equipped to be an outstanding judge. The Committee also is mindful that, for the most part, the determination of a judicial candidate's qualifications is a subjective process.

#### 2. Scope

Section 13.8(d) of the By-Laws provide general recommendations to the Committee with respect to guidelines for areas to be considered in determining the qualifications of a candidate for judicial office. In addition to incorporating Section 13.8(d) of the By-Laws in these Guidelines, the Committee will emphasize:

**a. Education and Training.** A judicial candidate should be learned in the law, preferably having been graduated from a law school accredited by the American Association of Law Schools or its successor. It also is anticipated that all judicial candidates be able to demonstrate their participation in continuing legal education both for themselves and for other members of the Bar, thus evidencing their concern respecting professional knowledge and skills. A judicial candidate for a trial court position should have devoted a significant portion of his or her practice to litigation. A judicial candidate, particularly for an appellate court position, should be able to demonstrate research and writing abilities.

**b. Experience.** A judicial candidate shall have at least ten (10) years' experience in the practice of law recognizing substantial courtroom and litigation experience is an important and significant factor for candidates to the appellate and trial courts. In exceptional cases, distinguished accomplishment in the field of law may be considered in lieu of the minimum period of practice.

**c. Personal Qualities.** A judicial candidate's reputation for honesty should be beyond reproach, because a judge's conduct must meet the highest standards of integrity.

**d. General Qualities.** A judicial candidate, whether at the trial or appellate level, should be an individual who combines good character and integrity with appropriate temperament, patience, zeal, courtesy and common sense. The individual's reputation among peers should be noteworthy for hard work, diligence, preparation, timeliness and professionalism. The candidate's health should not unreasonably impede the ability to function as a judge. Finally, the judicial candidate should be a person recognized for service to the profession, such as *pro bono* service and professional and community activities.

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**APPENDIX B**

**OFFICIAL BALLOT FOR RETENTION POLL**

**FOR MEMBERS**

**OF**

**THE ALLEGHENY COUNTY BAR ASSOCIATION**

In your opinion, should Judge \_\_\_\_\_, whose term is expiring,  
be retained in office as a Judge of the \_\_\_\_\_.

In considering your response, you should reflect upon whether the judicial candidate is a person of integrity, possesses legal ability, is diligent, and possesses and displays appropriate judicial temperament.

Attached is a more detailed listing of these criteria to assist you in your judgment. Please indicate your opinion by plating a check mark in the appropriate box below:

Judge \_\_\_\_\_

\_\_\_\_\_ Should Be Retained    \_\_\_\_\_ Should Not Retained

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Adopted by the ACBA Board of Governors, February 1, 2022



## APPENDIX C

### THE ALLEGHENY COUNTY BAR ASSOCIATION

#### JUDICIARY COMMITTEE

##### JUDICIAL SURVEY EVALUATION CRITERIA

###### A. INTEGRITY

**Civil and Criminal:** the judge refuses to allow his or her rulings to be influenced by the identity of the parties before him or her.

**Bias:** the judge's rulings are free of political, religious, gender, racial, cultural, sexual orientation or other biases.

**Influence:** the judge's decisions are immune from influence by direct or indirect solicitation or approach of any nature.

**Appearance of impartiality:** the judge avoids any conduct which would give the impression that litigants or others can influence the judge or unduly enjoy the judge's favor.

**Ex Parte Communications:** the judge refuses to permit *ex parte* interviews or communications which might have the tendency to influence or appear to influence his or her actions or decisions.

###### B. LEGAL ABILITY

Appreciation of legal issues: the judge shows depth of understanding of legal and academic issues, including novel or complex legal questions.

Ability to render reasoned decisions: the judge has the ability to render carefully reasoned, legally supportable decisions.

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### C. DILIGENCE

**Preparation:** the judge is informed on recent legal developments.

**Research:** the judge's hearings and rulings reflect adequate research.

**Punctuality:** the judge convenes court with reasonable punctuality.

**Dispatch:** the judge enters rulings on contested issues with reasonable promptness, bearing in mind the complexity of the issues involved.

**Accessibility:** the judge is accessible for special conferences or hearings when unusual circumstances arise on a matter pending before the judge.

**Industriousness:** the judge shows a willingness to devote additional time, beyond the normal working day, to the transaction of court business where necessary to accommodate the reasonable interests of the litigants and their counsel.

### D. JUDICIAL TEMPERAMENT

**Open-mindedness:** the judge demonstrates willingness to listen to all sides of each issue.

**Imply:** the judge is impartial to all parties in a case.

**Dignity:** the judge maintains an appropriate atmosphere of decorum and courtesy in all court proceedings.

## APPENDIX D

### STANDARDS FOR INTERPRETATION OF GUIDELINES

**A.** These Standards for Interpretation of Guidelines, the Statement on Qualifications, and, when applicable, the Judicial Survey Evaluation Criteria, shall be the bases upon which candidates or judges shall be evaluated and rated. The failure of a candidate to be rated Highly Recommended or Recommended does not and is not intended to reflect upon a candidate's competence or reputation as a lawyer, but only upon his or her potential at the time of evaluation to excel as a judge.

**B.** Any vote on judicial candidates shall be conducted only after voting members of the Committee have read and reviewed the applicable criteria, including Appendix A hereto and the explanations expressed in Paragraph C of this Appendix D hereto. Additionally, the ballot form shall include a concise reference to said criteria and interpretations as expressed in Appendix E hereto.

#### **C. Explanation of the Ratings:**

##### **1. HIGHLY RECOMMENDED:**

###### **The candidate**

- a. exhibits pre-eminence in the law by way of outstanding legal ability and a wide range of experience, either in a specialized field of law or a more varied practice, and has a reputation in the legal community as standing at the top of his or her profession;
- b. possesses a reputation for the utmost integrity and temperament to excel as a judge of the court for which he or she is a candidate;
- c. exhibits outstanding citizenship by way of community and professional contributions; and
- d. is an exceptional individual who will enhance or has enhanced the competence, dignity and public perception of the bench.

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## **2. RECOMMENDED**

The candidate possesses a reputation for integrity and the legal ability, experience, and temperament to be a judge of the court for which he or she is a candidate.

## **3. NOT RECOMMENDED**

At the time of the Committee's evaluation process, the candidate has not demonstrated to the Committee that the candidate possesses the legal ability, character, reputation, experience or temperament for a judicial position.

## **D. VOTE OF THE COMMITTEE**

The Judicial Applicant Rating Sheet, as set forth in Appendix E hereto, shall be used to record the votes of the members of the Committee on the rating of judicial candidates. All votes of the Committee with respect to the rating of any judicial candidate shall be by secret ballot. Neither the total vote nor the distribution of votes among the categories shall be revealed to any person other than to the members of the Committee under any circumstances.

In addition, following the interview of any candidate by the Committee, the Chair of the Committee shall provide a verbal admonition to the judicial candidate in substantially the following form.

"As Chair of this Committee, I am charged by our rules to remind you that the discussions of the Judiciary Committee are confidential and will not be disclosed to any candidate under any circumstances.

"I want to remind you that it is not appropriate to contact members of the Judiciary Committee following this interview to elicit information about the discussions of the Committee or your rating.

"All questions should be referred to me, as Chair, as members of the Committee have been advised to tell candidates who question them to call the Chair. If you have any questions at all, please give me a call."

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**APPENDIX E**

**THE ALLEGHENY COUNTY BAR ASSOCIATION**

**JUDICIARY COMMITTEE**

**JUDICIAL CANDIDATE RATING SHEET**

In considering your response, you should consider the general guidelines for judicial candidates set forth in the Bar Association's By-Laws, the Statement on Qualifications, and the Standards for Interpretation of Guidelines set forth in the Judiciary Committee's Guidelines, Rules, and Procedures. A judicial candidate for a trial court position preferably will have devoted a significant portion of his or her practice to litigation. All judicial candidates, particularly those for an appellate court position, preferably will be able to demonstrate their research and writing abilities. Other factors to be considered are good character, and temperament, integrity, legal ability, patience, zeal, courtesy, common sense, diligence, hard work, preparation and timeliness. Consideration also should be given to the candidate's service to the profession through professional, community service, or *pro bono* activities.

Rate the applicants as "Highly Recommended," "Recommended," or "Not Recommended." A rating of "Highly Recommended" should be considered an extraordinary rating to be given only in exceptional circumstances.

**BALLOT**

<u>Name</u>	<u>Rating</u>
[Name # 1]	_____
[Name #2]	_____
[Name #3]	_____
[Name #4]	_____

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Adopted by the ACBA Board of Governors, February 1, 2022

## APPENDIX F

### PROCEDURE FOR INTERVIEWING AND INVESTIGATING JUDICIAL CANDIDATES

Historically, individual members of the Committee have been assigned to interview judicial candidates and to obtain background information from them prior to the candidate's appearance before the full Committee. This is a helpful introduction to the process for the candidate, but it is only useful to the Committee if the member does a thorough job of interviewing and also combines the interview with an independent research/reference check. No Committee member will be permitted to interview a judicial candidate or participate in the evaluation process until attending and completing a Committee training session that shall include a mock interview to educate Committee members on the evaluation process.

#### PRELIMINARY INTERVIEWS

##### **Interviewing in groups of two to three:**

It is recommended that candidates be assigned to a second- or third-year members of the Committee, with a first-year member also assigned to assist and be present at the interview. This gives the full Committee the benefit of two reviews of the candidate, as well as assisting new Committee members in learning the procedures. It also helps to prevent any misunderstandings as to the conduct of the interview itself.

**Arrange the interview well before the full committee meeting:** Unless it is absolutely unavoidable, never interview the candidate the same day or immediately before the full Committee meeting. Leave enough time between the interview and the meeting to check references and other information gained at the interview.

**Do not accept an assignment to interview a close friend, current work colleague, mentor, or a candidate with whom the member has had an antagonistic or difficult professional or personal relationship:** This policy assists the Committee in avoiding charges of cronyism, undue criticism, and/or impropriety.

##### **Prepare for the interview:**

Carefully review the written application of the candidate before the interview. Anticipate areas of concern by other Committee members, so these can be included in the interview. Some questions are easier to ask or more comfortable initially answered in a two or three-person meeting rather than at a conference table with two dozen others. It also is important to review the writing sample or samples submitted by the candidate and to ask questions which might relate

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to or arise from the samples. If the candidate has not submitted a writing sample with the application, request one at the interview. Writing samples should show analysis of a legal problem or issue. Examples of writing samples include inter-office memoranda, mediation statements, correspondence, and legal briefs.

**Develop information which will help the full Committee.** Obtain enough information from the interview to be able to present a balanced picture of the candidate's strengths and weaknesses. This becomes essential if the candidate fails to appear for the interview (whether intentionally or otherwise). Get specific facts on employment history (names of supervisors and co-workers, if necessary), legal experience (trials, appeals, nature of work, and whether done independently or with others), and other background information. Ask the candidate for names of former partners/employees who would give references, judges before whom the candidate has appeared, persons with whom the candidate has worked on professional, educational or charitable functions, if this information is not clear from the application. If the candidate is a sitting judge, get information on recent cases, published opinions, and dispositions as appropriate.

Prepare the candidate for what will happen, be prepared to explain and make sure that you explain to the candidate the Committee process, which can be an intimidating experience, even to experienced lawyers and sitting judges. Know the rating system so that you are able to answer questions. Explain to the candidate standard questions which will be asked, and indicate to the candidate other questions which you think are likely to be asked, based upon your experience with the Committee and your review of the candidate's application. It is important to remember that one of the principal purposes of the preliminary interview with the candidate is to assist the candidate in understanding and feeling comfortable with the process. However, please advise the candidate that all deliberations of the Committee are completely private and confidential, and inform the candidate that, at the end of the candidate's appearance before the full Committee, the Chair or Vice-Chair of the Committee will so inform the candidate and will further explain that neither the Chair nor any member of the Committee is permitted to provide any information concerning the deliberations or the vote of the Committee. NEVER speculate on the likely outcome of the Committee vote.

#### **REFERENCE CHECK/INFORMATION GATHERING**

Contact persons whose names were obtained from the questionnaire, interview, and other sources. Dividing the tasks among the Committee members who are responsible for the preliminary interview is helpful. Explain that the candidate is to appear before the Judiciary Committee and ask if the reference has any information which the reference feels might be useful in assisting the Committee in performing its job. Follow up on leads but take care to verify the sources of any obtained information. Anonymous feedback will not be considered by the Committee with the exception that a source may

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remain anonymous to the candidate but disclosed to the Committee members only if a Committee member has conducted due diligence as to the veracity of the source and information.

Information gathering shall also include review of a candidate's digital footprint including but not limited to a legal and social resource analysis that searches for and reviews profiles on sites such as or similar to Disciplinary Boards, Department of Court Records/Clerk of Court docket searches, personal or firm websites (current and former) for a candidate, Google, Facebook, Instagram, Twitter, TikTok, LinkedIn, AVVO, Lawyers.com, and/or Martindale. This list is not meant to be exhaustive.

## **PRESENTING THE CANDIDATE**

Prepare a very brief biographical introduction to introduce the candidate to the Committee (no more than 2 to 3 minutes). It is the practice of the Committee to have one of the members who participated in the interview ask the Candidate two standard questions which are asked of every candidate, so that these questions will come from a familiar face and voice. Candidate responses to the two standard questions should be limited to 5 minutes for each question. Then open questions to the Committee at large, which will be coordinated by the Chair. After the candidate's presentation is over and the candidate has been excused, the interviewers shall be prepared to report to the Committee on the interview and the investigation as the Committee begins its evaluation.

## **RESPONSIBILITIES OF ALL COMMITTEE MEMBERS**

Every member of the Judiciary Committee has an obligation to review thoroughly all written materials disseminated prior to Committee meetings, so that the presentation of candidates is made in context. Every member must be present for the evaluation of all candidates and to contribute relevant information. These professional obligations are owed to the members of the bar, who rely on our diligence, and to the candidates themselves, who are entitled to no less.

Any information obtained during the preliminary interview, reference checks, information gathering or unique to any Committee member based on personal or professional experiences that any reasonable person would consider negative must be disclosed to the candidate as part of the full Committee interview or said information may not be used by or considered by the Committee as part of the evaluation process.

**Remember at all times** that all deliberations of the Committee and all information gathered during the interview process are and must remain **fully confidential** to preserve the integrity of the Committee and to foster open discussion. Only the Chair of the Committee, or the Chair's designee, may make any comment on the evaluation process and work by the Committee.

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APPENDIX G

ALLEGHENY COUNTY BAR ASSOCIATION

JUDICIAL CANDIDATE PLEDGE

I, \_\_\_\_\_, a candidate for judicial office, have familiarized myself with the Code of Judicial Conduct and the Code of Civility, as promulgated by the Supreme Court of Pennsylvania, copies of which are attached hereto. I have directed special attention to Canon 7 of the Code of Judicial Conduct, *A Judge Should Refrain from Political Activity Inappropriate to His Judicial Office, Section B, "Campaign Conduct."* I agree to conduct my judicial campaign consistent therewith and further consistent with *Republican Party v. White*, 536 U.S. 765 (2002). I further pledge that all campaign advertising will be done fairly, accurately, truthfully, and will maintain the dignity appropriate to the judicial office which I am seeking.

Signature of Candidate

Date

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Adopted by the ACBA Board of Governors, February 1, 2022