

A Chapter of the  
**WOMEN'S BAR ASSOCIATION  
OF THE STATE OF NEW YORK**

**Central New York Women's Bar Association**

P.O. Box 1842, Downtown Station, Syracuse, New York 13201-1842

**GUIDELINES  
JUDICIAL SCREENING COMMITTEE**

Purpose: The Committee shall endeavor to elevate the quality of the judiciary, among other ways, by recommending for judicial office only those individuals who have demonstrated remarkable qualifications, by encouraging political parties to endorse for election and re-election well qualified lawyers and judges, by commending those candidates who have demonstrated their commitment to the cause of gender equality, and by discouraging the candidacy of persons not qualified.

The Committee shall evaluate all candidates from Onondaga County and may evaluate all candidates within the Fifth Judicial District, except for Town and Village justices, whether or not timely endorsed by a political party.

The failure of a lawyer to achieve the Committee's recommendation should not reflect upon the lawyer in the practice of her or his profession. The qualities requisite for strong advocacy and for excellence in judicial performance do not fully coincide. The vigor and partisanship of the lawyer in superior performance as an advocate in the best interest of her or his client may disclose qualities of temperament not ideal for the judiciary. A lawyer's area of practice in which she/he has capably performed may be so circumscribed as to preclude a judgment of her/his qualifications for judicial office. Finally, the Committee recognizes that most lawyers practicing in this community have the capacity to fulfill judicial office at least adequately. The Committee's goal is judicial excellence.

Since members of the Board of Directors shall make determinations regarding the composition of the Committee and may make determinations concerning the ultimate work and determinations of the Committee, any Board member running for Judicial office must recuse herself/himself from any meetings and/or proceedings and/or voting of the Board on any issues whatsoever pertaining to judicial screening.

A. Composition of the Committee

1. Each Committee member should have at least three years of active practice of law prior to serving as a member on the Committee and shall be a member of the Women's Bar Association of the State of New York, Central New York Chapter (hereinafter CNYWBA). The Committee shall be composed of a majority of members who have at least five years of active practice of law and meaningful courtroom experience.

2. The Committee shall be comprised of at least twelve (12) members. Each Committee member shall be familiar with the Judicial Screening Guidelines and attend a training session with the Committee Chair prior to actively serving on the Committee.

3. The members of the Committee shall serve at the discretion of the Board of the CNYWBA for a three-year term and shall convene in January of each calendar year.

4. Each Committee member shall authorize the Board of CNYWBA to remove her/him from the Committee, at any time at the Board's discretion. Each Committee member shall agree to waive the right of explanation or redress concerning any such removal.

5. Each member of the Committee shall disclose to the Board whether she/he holds office in a political party, either by election or by appointment, or holds any public office or is a candidate for public office on the local, county, state or national level during the time of Committee membership, or has held any such office or been a candidate for such office during the one year prior to Committee membership.

6. Each member of the Committee shall disclose to the Board whether she/he has served as a delegate to a judicial conference or convention of any political party during the time of Committee membership, or has served in any such capacity during the one year prior to Committee membership.

7. No member of the Committee shall be a public official including a judge or acting judge, or a candidate for public office in the local, county, state or national government during the time of Committee membership, nor have been such a candidate or held any such office during the one year prior to Committee membership.

8. Each Committee member shall disclose membership and/or positions held on governmental boards or entities.

9. Each Committee member shall disclose to the board her/his participation in any judicial or non-judicial campaign during the calendar year of such judicial election for which she/he is a member or Committee. Based on such disclosure the Board shall decide whether any member shall be disqualified from screening procedures and voting on any particular candidate.

10. Each Committee member shall agree not to contribute funds to any judicial campaign for those seats subject to evaluation by the Committee in any amount

during the calendar year of such judicial election for which she/he is a member of the Committee.

11. Each Committee member shall agree not to personally participate in any decision and/or decision-making process of her/his law firm to contribute to any judicial campaign in the Fifth Judicial District during the calendar year of such judicial election for which she/he is a member of the Committee.

12. Each Committee member shall disclose to the Board, in detail, any past or present special kinship or professional or close personal association with any judicial candidate. Based on such disclosure the Board shall decide whether any member shall be disqualified from screening procedures and voting on any particular candidate.

13. Each Committee member shall disclose to the Board, in detail, any past or present conflict with a particular candidate. Based on such disclosure the Board shall decide whether any member shall be disqualified from screening procedures and voting on any particular candidate.

14. Each Committee member shall disclose to the Board the nature of any complaint against such member which is pending in any Grievance Committee of any Judicial District. Each Committee member shall assist the Board in obtaining material regarding the complaint, if so requested.

15. In the event that a Committee member has a political identification and/or involvement with the campaign of a particular judicial candidate, such relationship shall be disclosed. Based on such disclosure the Board shall decide whether any member shall be disqualified from screening procedures and voting on any particular candidate.

16. No Committee member shall disclose to anyone the deliberations and proceedings of the Committee, or its votes, at any time. All Committee members shall keep all information received in the course of the Committee's screening proceedings confidential.

17. All candidates shall receive a list of names of the Committee members prior to the commencement of the screening process of that candidate. Any candidate may ask that any member of the Committee be disqualified from participating in the screening of that candidate or any other candidate by submitting a written request for same to the Board. The Board shall be the ultimate arbiter as to whether any member shall be disqualified from participating in the screening process. Disqualification of a member shall not affect the existence of a quorum for conducting the screening.

18. All disclosure made to the Board shall be confidential and shall not be further disclosed to any other person or entity outside of Board meetings.

B. Criteria and Ratings

1. Candidates will be rated on two categories of criteria. First, candidates will be rated on their qualifications for the judicial office they seek. Second, candidates found to be “qualified”

will be rated on their commitment to gender equality in the law.

2. The qualification ratings for the candidates will be "highly qualified", "qualified", "not qualified" and "not rated".

3. The qualification factors or criteria, which will be used to rate the various candidates which will be given equal weight, with no single factor being determinative or preclusive of any particular rating, are:

- a. judicial temperament;
- b. legal ability and experience;
- c. general reputation, character and fitness;
- d. diligence and promptness;
- e. impartiality, freedom from bias and prejudice;

A candidate that received an average score in the above categories of 4.25 or higher, may receive a rating of "highly qualified." The "highly qualified" rating shall not be an endorsement of any candidate. It may be given to more than one candidate for any particular judicial office.

4. In addition, the Committee will rate candidates on the following criteria, each of which will be given equal weight:

- a. Active contribution(s) to the promotion of gender equality in the practice of law
- b. Sensitivity to gender issues
- c. Active contribution(s) to the promotion of racial equality in the practice of law
- d. Sensitivity to racial issues

5. A candidate who receives an average score in these categories of 4.25 or higher shall be considered Commended, except that a candidate who is rated as "Not Qualified" cannot be considered commended.

### C. Evaluation Process

1. It shall be the responsibility of the committee chair to ensure applications are complete prior conducting the interviews. Each candidate shall be scheduled for a personal interview with the Committee. In addition, each candidate shall be provided with a copy of these guidelines, a list of names of the Committee members and a questionnaire prepared by the Committee and each candidate shall be asked to return the completed questionnaire, together with five (5) references, and waivers for the Grievance Committee for the Fifth Judicial District and the State Commission on Judicial Conduct prior to the personal interview date at such time and in such manner proscribed by the Committee. For a sitting judge, the five (5) references shall include: two (2) attorneys who have appeared before the judge, two (2) professional colleagues, and one (1) character reference. For an attorney candidate who is not a sitting judge, the five (5) references shall include: two (2) opposing counsel, two (2) professional colleagues, and one (1) character reference. Each candidate will be advised that there may be more than one interview and that further documentation may be required of the candidate.

2. The Chair shall assign Committee members to contact and check all references

provided by each candidate prior to interviewing the candidate. All references of any candidate must be contacted prior to the Committee interviewing and voting on such candidate; and the Committee member responsible for checking the reference(s) of any candidate shall report the results of the reference checks to the entire Committee prior to the interview and the vote. The Chair shall be responsible for making sure the references of each candidate have been contacted and the results of such contacts have been discussed with the Committee prior to the interview and the vote.

3. All members of CNYWBA must be invited to provide the Committee with input regarding the qualifications of the candidates for judicial office. All input shall be accompanied by the name of the member submitting the input, but the identity of the member shall remain confidential to the Committee. Input will be solicited at least two (2) weeks prior to any candidate's interview through a mailing to CNYWBA membership. A comment form will be distributed so as to give structure for members to file their comments.

4. Prior to interviewing the candidates, the members of the Committee shall have read the written material submitted by the candidate, and shall have discussed all input received from other members of CNYWBA or other members of the community at large including the references provided by the candidates. Any negative comments received in any fashion about any candidate shall be discussed with said candidate during the interview process.

5. Candidates who fail to present complete applications or fail to appear for a personal interview or who have otherwise not contacted the Committee to make other arrangements will receive a rating of "not rated because declined to participate." All candidates shall be advised of this fact at the time they are invited to participate in the screening process.

#### D. Proceedings and Deliberations

1. The Chair shall be responsible for maintaining order and dignity throughout the proceedings.

2. At least a three-fourths of its members of the Committee shall be present at the interviewing of and voting on any candidate. Only the Committee members present at the interview of every candidate interviewed for each judicial race shall vote on and rate the candidates for that judicial race.

3. A member may abstain from voting, but abstention should be avoided except for lack of sufficient information or other situations which do not bear upon the qualifications of the candidate for judicial office.

4. Each member of the Committee shall have full and equal voting rights.

**However,**

a. each member of the Committee shall be present for the personal interview of any particular candidate in order to vote on such candidate;

b. no member of the Committee shall vote by proxy; and

c. a member of the Committee may attend the personal interview telephonically and participate in deliberations in the same manner.

5. Each member of the Committee shall have the right to pose appropriate questions to the candidates during the personal interview for the purposes of determining the qualifications of such candidates. The Committee shall be responsible for drafting at least one question for each of the factors and criteria set forth in paragraph B.3 through B.4 above, such that each candidate for the same judicial office will be asked identical questions and be given an opportunity to respond. However,

a. hypothetical questions that would require a candidate to draw a conclusion in the abstract are inappropriate and shall not be permitted;

b. questions that would require a candidate to specify the ruling she/he would make on a particular issue are inappropriate and shall not be permitted; and

c. a candidate may decline to answer a question they deem to be inappropriate and will be notified in advance of the interview of their right to do so.

6. Whenever possible, final votes will be taken on each candidate on the date of the personal interview with such vote subject to change only in the event of the unexpected discovery of adverse information not previously available to the Committee.

7. Voting shall be by secret ballot. Scores will be averaged in order to determine the ratings for each candidate.

8. The Committee shall notify the President of the Board and the Board of its determination on each candidate.

9. Within 48 hours after the Committee has reported its recommendations to the President and the Board, the Board will have the opportunity to request the Committee to reconsider the action of the Committee on any individual candidate. The request for reconsideration shall be made by a majority vote of the Board, but no Committee member shall participate in such vote. If a request for reconsideration is made, the Committee shall promptly meet (within 48 hours, if possible) to determine whether to reconsider. If the Committee decides to reconsider a candidate's rating, it must do so without delay, and then immediately report the result of the reconsideration to the Board President. Where a candidate is found "not qualified" after reconsideration or after a request for reconsideration has been denied, said candidate shall immediately be notified of the rating to allow that candidate an opportunity to invoke the appeal process. A request for reconsideration may be made in regard to any rating or recommendation. The reconsideration procedure has no impact on the availability of an appeal to a candidate who was rated "not qualified."

10. After the Committee reports its recommendations to the President and the Board, the Board shall publish the results. However, the ratings shall not be published until such time as all appeals have been concluded. All candidates shall be advised of her/his rating in writing prior to publication by letter signed by the Board President or the Chair of the

Committee or both. Candidates who receive a rating of "not qualified" will be advised of the rating in writing prior to publication and the letter must specify the reasons for the "not qualified" rating, so that the candidate may formulate the basis for an appeal. If the candidate actually withdraws from the race and so notifies the Chair or the President, the Board will not publish that candidate's rating. For purposes of publishing the results, a candidate will not be considered to have withdrawn from the race for the judicial office sought if the candidate, or anyone on the candidate's behalf, makes substantial efforts to renew or continue the candidacy.

E. Appeals Process

1. Candidates must be advised of the appeals process when they are initially advised of the interviewing process.

2. Only a candidate who has received a "not qualified" rating may file an appeal. The candidate may file an appeal to the appeals panel by so notifying the Board President or Chair of the Committee within 48 hours after she/he has been notified of such a rating. The appeals panel will convene and decide all appeals within 48 hours of filing.

3. The Board of Directors (except for any members of the Committee or the appellant-candidate) will appoint a panel of five Board members to hear appeals filed by candidates receiving the "not qualified" rating. The appeals panel will consist of the officers and immediate past president of the Board, and the President has the authority to appoint a substitute from the Board of Directors if any of the officers or past president cannot serve for any reason including, but not limited to, a conflict of interest. A quorum of all five members of the appeals panel is required before any appeal may be heard. All decisions must be made by majority vote.

4. The appeals panel is charged with the responsibility of determining whether the Committee's rating was erroneous in light of the evidence presented to it and, if so, what the proper rating should be. Within 24 hours after the appeal is concluded, the appeals panel shall notify the candidate and the Chair in writing of its determination, but it shall not be required to specify the reasons underlying the determination. The appeals panel's determination shall become the candidate's rating.

5. The candidate will make a presentation and the representative of the Committee will make a presentation on behalf of the Committee to the appeals panel. The Committee's representative's role is not that of an advocate; the representative should impart the information considered by the Committee in recommending the "not qualified" rating. The Committee's representative may not present any reason that the Committee used to rate a candidate "not qualified" unless that reason was contained in the candidate's notice. The candidate shall not be present during the Committee's representative's presentation, and the Committee's representative shall not attend the candidate's presentation. The appeals panel may question the candidate and the Committee representative.

6. On appeal, a candidate may present any evidence or information, oral or written, that she/he is qualified for the judicial position sought. No confidential information presented to the Committee may be revealed to the candidate in the appeals process. However, confidential information presented to the Committee may be revealed to the candidate in the appeals process if such information was a reason used by the Committee to rate a candidate

"not qualified" (and it must be contained in the candidate's notice), but the identity of the person giving such information to the Committee shall always remain confidential and the vote of the Committee shall always remain confidential. Confidential information includes, but is not limited to, comments from the membership, comments from the Committee, comments from references and the vote of the Committee. Any candidate whose rating remains "not qualified" after appeal may notify the President of the Board within 48 hours of notification of the appeals decision, that she/he withdraws as a candidate for that judicial office. In such a case, the ratings will not be released.

Approved by Board, August 8, 1995

Amended by Board, May 11, 2000

Amended by Board, May 9, 2002

Amended by Board, May 11, 2004

Amended by Board, March 9, 2012

Amended by Board, May 2, 2019

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