

As Amended April 17, 2020

**BYLAWS OF THE COMMITTEE ON THE JUDICIARY OF THE
COLUMBUS BAR ASSOCIATION**

Preamble

The Committee on the Judiciary of the Columbus Bar Association (hereinafter referred to as “the Committee”), believes that it is best able to fulfill its responsibilities, as described below, when judicial candidates engage, personally, with the Committee. Judicial candidates are strongly encouraged, whenever possible, to appear before the Committee in a manner mutually agreed upon by each candidate and the Committee.

Article I - Duties

The Committee shall represent the interests of the membership of the Columbus Bar Association (hereinafter referred to as the “Association”) in the continuing effort to preserve and promote the equal and fair administration of justice in Franklin County. In so doing the Committee shall: (1) create and promote within the community a sense of the importance of the judicial offices and the persons seeking and holding such offices; (2) evaluate the performance of incumbent judges; (3) evaluate the fitness for judicial office of persons aspiring to such office; (4) report the committee evaluations to the Board of Governors (hereinafter referred to as “Board”) and perform such other duties as the Board, or its President, shall direct.

Article II - Organization

A. **Appointment**

The Committee shall consist of three classes of seven members each, appointed for three-year terms, with the term of one class expiring each year. Members to replace those whose terms are expiring shall be appointed by the President-Elect of the Board, subject to Board approval, by the end of November prior to the year in which he or she takes office. The Committee shall be member of the Association and composed predominately of attorneys who have regularly practiced in the Franklin County court system. Members shall be broadly representative of Franklin County attorneys. The President-Elect shall make every effort to appoint talented litigation and trial attorneys to the Committee who reflect the diversity of the Franklin County community as a whole, giving due consideration to age, sex, race, courts of practice, type of practice

and political affiliation. Insofar as possible, the make-up of the Committee shall be politically balanced and diverse. Prior to appointing a prospective member to the Committee, the President-Elect shall secure a commitment from the prospective member to attend the judicial evaluation proceedings provided for in Article III.

The President-Elect shall appoint one of the Committee members as its chairperson. The President may appoint non-voting ex-officio members in accordance with the Constitution and bylaws of the Association

B. Meetings.

The Committee shall meet during the first or second week of August of each year, or as close thereto as possible, to conduct the interviews and evaluations set forth in Article III (B). A one- page summary of committee guidelines will be circulated to the Committee prior to the screening date. The Committee shall, from time to time, conduct such other meetings as the Chairperson shall call.

C. Removal or Replacement

Any member of the Committee shall be subject to removal by the Board upon recommendation of the President or Chairperson for (a) failure to maintain the confidentiality of the business of the Committee; (b) excessive excused or unexcused absences from Committee meetings and/or judicial evaluation sessions; (c) failure to abide by the Committee bylaws; (d) and/or any other just cause as the Board shall determine. In the event of resignation or removal, the President, with Board approval, shall appoint a replacement member(s). In the event a member of the Committee advises the Chairperson or President that the member will be unable to attend a judicial evaluation session, the President may, with Board approval, appoint a permanent replacement or appoint a temporary replacement without prior Board approval.

D. Impartiality and Confidentiality

All members of the Committee shall conduct their business in an impartial manner. Except as specifically provided by the President or Board, all business of the Committee shall be confidential.

Article III - Judicial Evaluation Committee Evaluation Procedures

A. Judicial Committee Evaluation Procedures

The Committee shall invite all judicial candidates for an interview and shall

evaluate all judicial candidates in the year in which the election for the office is to be held. Prior to the interview, all candidates shall complete a questionnaire that is approved by the Board. Among other things, the questionnaire shall ask the judicial candidates to state whether they are currently subject to: (i) sanctions imposed by any court, bar association, or State disciplinary authority for violation of any ethics or professional conduct rules governing judges or attorneys in any State; or (2) court criminal supervision (i.e. reporting probation, non-reporting probation, provided no future convictions [PNC] and conditional dismissal until payment of court costs).

The Committee Chair may appoint subcommittees to formulate a list of uniform questions relevant to each particular court (i.e., appellate, trial (municipal and common pleas), domestic/juvenile, and probate courts). Insofar as possible, the subcommittees shall be politically balanced and diverse. The subcommittees may meet in advance of the screening interviews to develop questions which reflect the collective knowledge of the group and focus, in part, on substantive issues relevant to the judgeship sought by the candidate and which are consistent with the duties of the committee on the judiciary as stated in Article I.

After evaluation, the Committee shall report its findings on each candidate in the following categories to the Board: (a) Highly Recommended; (b) Recommended; (c) Not Recommended; or (d) Declined to Screen.

1. The Committee shall consider all of the following factors in its evaluation process:
 - a. Integrity;
 - b. Previous judicial evaluations;
 - c. Judicial performance polls including written comments or a summary thereof;
 - d. Professional experience;
 - e. Legal knowledge;
 - f. Legal ability;
 - g. Judicial temperament;
 - h. Health;
 - i. Diligence and punctuality;

- j. Possible conflicts of interest;
- k. Sensitivity or biases with respect to race, color, religion, sex, age, national origin, disability or economic status;
- l. Sentencing practices or philosophies;
- m. Public or community service;
- n. Disciplinary, criminal, traffic and civil matters;
- o. Such other elements or character and ability as the Committee shall determine.

2. In making its findings, the Committee shall employ the following rules:

- a. If the Committee was unable to interview a candidate due to a candidate's unwillingness or inability to schedule an interview after repeated attempts, the candidate shall receive a finding by the Committee of Declined to Screen;
- b. No person shall receive a Not Recommended unless more than 70 percent of the votes cast are in that category. Abstentions shall be excluded;
- c. No person who is currently subject to: (i) sanctions imposed by any court, bar association, or State disciplinary authority for violation of any ethics or professional conduct rules governing judges or attorneys in any State; or (ii) court criminal supervision (i.e. reporting probation, non-reporting probation, provided no future convictions [PNC] and conditional dismissal until payment of court costs) shall be designated Highly Recommended unless the Committee unanimously votes in favor of that category; or be designated Recommended unless more than 70% of the votes cast are in the Highly Recommended and/or Recommended categories. Abstentions shall be excluded.
- d. In all other cases, the candidate shall be designated

Highly Recommended or Recommended, whichever of those designations has a majority of the votes.

The Committee shall report the procedures followed and findings of the Committee's judicial evaluations to the Board. The Board may approve or reject the collective findings of the Committee's judicial evaluation based solely upon whether the Committee followed the procedures set forth in these bylaws. If the Board determines that the Committee has complied with the procedures set forth in these bylaws, all the Committee findings will be published. Other than approval or disapproval of the Committee's judicial evaluation procedures under these bylaws, the report of the Committee is final. For any candidate receiving a Declined to Screen or Not Recommended from the Committee or where the Committee finding is markedly inconsistent with the most recent performance poll as to that candidate, the Chairperson shall ~~be reported~~ advise the Board as to the ~~Board-se~~perceived reasons for that it may use the results in conducting a preference poll in accordance with Board policies finding. At the time the Chairperson reports the evaluation results to the judicial candidate, the Chairperson shall afford the candidate the opportunity to discuss the evaluation process; however, under no circumstance shall the Candidate be given an additional opportunity to appear before the Committee, provide additional information to the Committee or have the Committee's findings changed.

Article IV -Miscellaneous

A. Appointment Evaluations

If requested by the President, the Committee shall evaluate candidates for judicial appointment. Such evaluation shall be conducted insofar as feasible, consistent with the procedure provided by Article III.

B. Disqualification

In the case of evaluations, interviews, or other procedures wherein a candidate appears before the Committee and as a result of which the Committee will make a recommendation, finding or determination, any member of the Committee shall disqualify himself or herself if he or she believes, for any reason, that he or she cannot objectively and fairly fulfill his or her responsibility or that an appearance of partiality exists which warrants disqualification. If the disqualification results in less than eleven members available to vote on an evaluation, no vote shall be conducted.

C. Quorum

When the Committee is adopting rules of procedure or evaluating judicial candidates, eleven members shall constitute a quorum. For other matters, eight members of the Committee present shall constitute a quorum and a majority vote shall prevail.

If a quorum is lost during a committee meeting, no further business may be conducted until a quorum is once again obtained.

D. Rules of Procedure

The Committee may adopt rules of procedure that are not inconsistent with these bylaws.

E. Prohibition Against Financial and Personal Support of Judicial Candidates.

During the calendar year of an election and before the Board of Governors has publicly announced the results of the preference poll conducted by the Association, no member of the Committee shall give or direct personal financial support or personal endorsement to anyone seeking judicial office. This section shall not prohibit contributions by a member's partners, associates, firm or firm's political action committee. In the event a member is aware of a contribution of any of the above, the member shall advise the Chairperson, and after consultation with the Chairperson, shall determine whether to disqualify himself or herself pursuant to Article IV (B).