

RULES GOVERNING THE JUDICIAL SELECTION
COMMITTEE OF
THE OHIO WOMEN'S BAR ASSOCIATION

SECTION 1: DEFINITIONS

1.1 "Association" means the Ohio Women's Bar Association. "The Executive Committee" means the Executive Committee of the Ohio Women's Bar Association; "Committee" means the Judicial Selection Committee of the Ohio Women's Bar Association; "President" and "President-Elect" means the President and President-Elect of the Ohio Women's Bar Association; and "Chairperson" and "Vice-Chairperson" means the chairperson and vice-chairperson of the Judicial Selection Committee.

SECTION 2: PURPOSE AND ORGANIZATION

2.1 The purpose of this Committee shall be to promote within the Cuyahoga County community the free exchange of ideas concerning the qualifications of candidates for elected local judicial office for appellate, county or municipal judicial offices which appear on the ballot in Cuyahoga County; to evaluate the fitness for judicial office of persons aspiring to such office; to educate members of the bar and members of the public at large with respect to judicial candidates; and to carry out impartially the procedures provided in these rules regarding candidates for judicial office. To this end, this Committee, pursuant to the procedures in these Rules, shall assist the Association by publicly identifying those candidates for judicial office who possess those requisite qualities for office and by rating the candidate according to the procedures set forth herein. No part of the purpose of this Committee shall be to campaign for, or otherwise assist in or promote the election or defeat of, any candidate for judicial office. This Committee is not intended to play any role in the selection of persons to fill any federal judicial office or statewide judicial office.

2.2 (A) The Judicial Selection Committee shall consist of no more than 16 and no less than 8 members of the Association. Any member of the Association may apply for membership on the Committee through a written application process, which shall include at a minimum: 1. the required confidentiality and conflict of interest provisions as set forth in Section 4 and sub-sections (a) and (b) of Section 5: "Conflict of Interest" of the Judicial Candidates Rating Coalition Governing Rules; and 2. applicant's signature affirming the applicant's agreement and truthfulness of the information submitted. From the pool of member applicants and subject to confirmation by the Executive Committee, members of the Committee and its chairperson and vice-chairperson shall be appointed by the President in May of each year beginning in May 2011.

(B) The Committee shall be reestablished in May 2010 with three initial slates of members to be appointed in May 2010. One-third of the total committee members being appointed in May 2010 shall be appointed in Slate A for a fifteen month term. One-third of the total committee members being appointed in May 2010 shall be appointed in Slate B for a twenty-seven month term. One-third of the total committee members being appointed in May 2010 shall be appointed in Slate C for a thirty-nine month term. Thereafter, each slate of new members as appointed beginning in May 2011 shall serve three-year terms.

2.3 The Chairperson and Vice-Chairperson shall be appointed by the President from the membership of the existing Committee at the time of appointment and their terms must extend at least into the year in which they are appointed. The Chairperson must have served at least one full year on the Committee, or must have previously served on the Committee for at least one full year.

2.4 A member may be reappointed for a second full term (whether an original slate member or a replacement member). At no time, may any member serve more than two

consecutive terms. After at least a three-year absence from the JSC, a former member may be reappointed to serve a new term on the Committee.

2.5 With prior approval of the Executive Committee, the Committee may create such subcommittees with functions within the scope of the duties of the Committee. The members of subcommittees shall be appointed by the chairperson.

2.6 In order to perform any function within the scopes of these rules, a quorum of the Committee shall be present and shall consist of 50% of the total members currently appointed to the Committee. For example, if there are a total of 16 members currently appointed to the Committee, then the quorum would be 8; in contrast if there are a total of 8 members currently appointed to the Committee, then the quorum would be 4. A quorum must be present at all times for the Committee to perform any function within the scope of these rules.

SECTION 3: ELIGIBILITY TO SERVE
ON THE JUDICIAL SELECTION COMMITTEE

3.1 No person shall be eligible to serve on the Committee who seriously contemplates running for an elected county or municipal judicial office which will appear on a ballot in Cuyahoga County, or seeking appointment to a judicial vacancy for such an office, during the member's term of appointment to the Committee.

3.2 No person shall be eligible to serve on the Committee who is, or contemplates becoming, during a term of appointment to the Committee, a campaign chair, manager, treasurer or other officer or member of a committee supporting a candidate for elected county or municipal judicial office which will appear on the ballot in Cuyahoga County, or who is a publicly announced endorser or fund-raiser for a candidate for such judicial office.

3.3 No member of the Committee shall, during the period of his or her membership on the Committee, make any contribution to, or participate in any way in promoting the

election campaign of any candidate for elected county or municipal judicial office which will appear on the ballot in Cuyahoga County or the effort of any person to be approved to fill a judicial vacancy.

3.4 All persons appointed to the Committee shall be actively engaged in the practice of law in Cuyahoga County. In the interest of including all aspects of the trial bar, efforts will be made to seek applications for membership from practitioners of diverse subject matters, including without limitation, civil, business, criminal, domestic relations, juvenile, and probate and trust law; and from both large and small firms as well as solo practitioners and in-house counsel. Every effort will be made to include members who concentrate their practices before the various courts of the County (i.e., civil, criminal, commercial, domestic relations, juvenile, probate, and appellate).

3.5 No person shall be appointed to and/or should serve on the Committee who is not able to serve impartially, and without the appearance of impropriety, in passing upon the qualifications of candidates for judicial office.

3.6 No person shall be appointed to serve without a commitment to give a genuine effort to be present for a majority of the Committee's meetings and interview sessions in each year of service.

SECTION 4: RULES GOVERNING THE PERFORMANCE

OF THE JUDICIAL SELECTION COMMITTEE

4.1 (A) Unless exigent circumstances exist, the Chairperson and/or Vice-Chairperson through written notice shall advise the President or President-Elect of the Association at least thirty days in advance of any meeting of the Committee and/or any of the Committee members for any purpose related to these Rules and/or any aspect of the JCRC Governing Rules. The Chairperson and/or Vice-Chairperson shall use his/her best efforts to

notify the President or President-Elect of the Association of the scheduling and/or participation in any interview of a judicial candidate. Such notice shall be in writing and shall be made within twenty-four hours of the Committee receiving such notice.

(B) Absences from meetings shall be regularly reported to the Executive Committee of the Association. Failure to attend at least 50% of the Committee's meetings and interview sessions in any year may be grounds for dismissal of a member from the Committee.

(C) Upon resignation or dismissal of a member, a replacement appointment is not required unless the resignation or dismissal results in less than 8 members on the Committee. If the President appoints a replacement, it is subject to confirmation of the Executive Committee. Replacements of members to the Committee will be only for the length of the term vacated.

4.2 Each member appointed to the Committee shall sign a pledge of confidentiality, agreeing to hold strictly confidential all information obtained by the Committee through questionnaires, investigations, interviews, or other sources, as well as the deliberations of the Committee and the votes of its members, and the report and recommendations of the Committee to the Executive Committee respecting the ratings to be given to judicial candidates or applicants for judicial vacancies, with the exception of the Association's final recommendations after such time as the ratings have been officially announced. Any breach of the pledge of confidentiality shall be grounds for expulsion from the Committee upon a majority vote of the Executive Committee of the Association.

4.3 (A) The perception of impartiality is as important as the reality of it insofar as this Committee's work is concerned. If any circumstance known to a member of the Committee exists which might cause a reasonable person to question the objectivity or impartiality of that Committee member as to a particular judicial race or vacancy, whether by

reason of familial ties, past or present law practice associations, or for any other reason whatsoever, that Committee member is expected to disclose any such circumstance to the Committee, and to request to be excused both from being physically present for the interview of such a candidate or applicant (or that of the candidate or applicant's opponent or opponents) as well as any participation in the Committee's deliberations and vote on the judicial race or vacancy affected. Should a Committee member fail to make such a disclosure, and should it later be determined by majority vote of the Committee that such a circumstance existed and was known to the Committee member, such non-disclosure may be grounds for expulsion from the Committee upon a majority vote of the Executive Committee of the Association.

(B) Information distributed to judicial candidates and applicants for judicial vacancies should make it clear that if a candidate or applicant believes, prior to the completion of his or her interview with the Committee, that one of the Committee's members in attendance may lack objectivity and impartiality as respects a particular judicial race or vacancy, the candidate or applicant should call that belief to the attention of the chair, who should attempt to resolve any such issue prior to the completion of the interview.

(C) If a complaint concerning the objectivity or impartiality of any member of the committee shall arise subsequent to the interview, if any, and prior to the announcement of the Committee's recommended ratings and preferences, such investigation and action shall be taken as is deemed appropriate in the discretion of the chair. No action will be taken as to any complaint concerning the objectivity or impartiality of any member of the Committee which is received after public announcement of the Committee's recommended ratings and preferences.

SECTION 5: FINANCES

5.1 The Committee shall not, without prior approval of the Executive Committee, obligate the Association for any expenditure.

5.2 All disbursements of funds allocated to the Committee by the Executive Committee shall be made by the Treasurer of the Association.

SECTION 6: BIOGRAPHIES OF CANDIDATES
IF THE ASSOCIATION IS NOT A MEMBER OF THE JCRC

6.1 If the Association is not a member of the Judicial Candidates Rating Coalition ("JCRC"), the Committee may submit to each candidate for judicial office, after his or her official declaration of candidacy, a biographical questionnaire, together with the appropriate waiver form, probing the candidate's general background, the nature of his or her law practice, his or her litigation experience, any relevant medical or psychiatric history, his or her business connections, his or her prior judicial experience and any other area or areas the Committee shall deem appropriate.

6.2 The candidate shall be advised of the date that the questionnaire and waiver must be returned to the Committee when the questionnaire and waiver are sent. If no response is received by the due date, the chairperson of the Committee or his or her representative shall make reasonable attempts to contact the candidate by telephone to ascertain that the candidate received the questionnaire and waiver and to find out why the candidate has not returned the questionnaire and waiver. If the Committee is not successful in contacting the candidate by telephone, a letter should be sent by certified mail to the address of the candidate on file at the Board of Elections reminding the candidate of the due date for the questionnaire and waiver and requesting that the candidate contact the Association if he or she did not receive the material.

6.3 Failure to return the questionnaire may result in the Committee appointing a subcommittee which may make its own investigation of a candidate's background and fill out the questionnaire to the best of its ability, which may serve as the basis of the biographical

information to be presented to the Association.

SECTION 7: CANDIDATE INTERVIEWS
IF THE ASSOCIATION IS NOT A MEMBER OF THE JCRC

7.1 If the Association is not a member of the JCRC, whether or not a response to the biographical questionnaire has been submitted the candidate shall be invited for a personal interview to enable the Committee to evaluate the candidate's qualifications. The Committee may expand upon any questionnaire, if submitted, or discuss any other matter the Committee may deem appropriate. All candidates shall be evaluated by the Committee, regardless of whether they submit a questionnaire or waive form, and/or participate in the interview process. The Committee and the candidate can mutually waive an interview if the Committee deems it appropriate in a particular circumstance.

7.2 The Committee shall not be limited to the information supplied by the candidate. If a candidate does not submit a questionnaire or complete the waiver form, the committee may conduct its own investigation and/or act upon whatever information is available to the Committee.

7.3 If permitted by the Supreme Court Rules for the Government of the Bar of Ohio, or if otherwise waived by the candidate, the chairperson of the Committee or his or her designee or designees, prior to the interview, shall have reviewed the Association's grievance files, if any, pertaining to the candidate and shall have advised the Committee of any material therein relevant to evaluating the fitness of the candidate for judicial office. The Committee may thereafter, from time to time as it sees fit, request any such candidate to supplement or update his or her answers.

SECTION 8: BIOGRAPHY AND INTERVIEW PROCEDURES
IF THE ASSOCIATION IS A MEMBER OF JCRC

8.1 So long as the Association is a member of the JCRC, the Association shall follow

the procedures, ratings, and criteria as set forth in the JCRC's Governing Rules regarding the submission of a joint questionnaire, interviews of candidates and deliberations and voting regarding each candidate.

SECTION 9: COMMITTEE RECOMMENDATIONS

9.1 Whether or not the Association is a member of JCRC, the Committee shall select an individual rating for each judicial candidate in the primary and general elections. The recommendation of the Committee for each candidate shall be one of the following: "Excellent," "Good," "Adequate," or "Not Recommended." These ratings shall be based upon the criteria of integrity, judicial temperament, diligence, professional competence and community involvement and understanding. "Excellent" means that the candidate is outstanding based on the criteria and is a superior choice for the office. "Good" means that the candidate substantially meets the criteria and is well-qualified for the office. "Adequate" means the candidate meets the criteria passably or, alternatively, fails to satisfy one or more of them. A candidate rated adequate possesses at least the minimum qualifications for the office. "Not Recommended" means the candidate does not meet the criteria, lacking the minimal qualifications for judicial office. In a situation where a candidate fails or refuses to appear for an interview, or complete the questionnaire, or sign the jurat or the waiver, a rating of "Not Recommended" or "Refused to Participate" may also be given in accordance with Section 6 of the JCRC Governing Rules. Nothing shall preclude the Committee from giving the same rating to opposing candidates in any particular race.

9.2 (A) The Committee may also choose a preferred candidate in each race except as set forth in section (C) of this section. In order to obtain preferred status, the Committee shall take a second vote and that status will only be awarded if 67% of the then voting

committee members vote for awarding that candidate the preferred status. The word "preferred" will be listed after the candidate's name, such as: "John/Jane Doe - Excellent-Preferred."

(B) In order to make the preferences of candidates meaningful and fair, the candidates who are being compared shall be considered for the preferential rating only by members of the Committee who were present for all interviews in that race. If a Committee member is not present for all interviews of candidates for a particular race, that Committee member can vote for a particular rating but shall be precluded from voting on a "preferred" rating.

(C) In the event that the Committee rates both candidates as "not recommended," there will be no "preferred" candidate. Instead, the Committee will state the following after the "not recommended" rating: "The Ohio Women's Bar Association is not able to recommend either candidate for this position."

9.3 A member of the Committee may cast a vote with respect to the rating to be awarded to a particular judicial candidate or applicant for a particular judicial vacancy only if that member was present for both the interview with the candidate or applicant, if such an interview occurred, and the Committee's discussion of the candidate's or applicant's qualifications. There shall be no voting by proxy.

9.4 Voting by the Committee shall be by secret ballot unless those members present unanimously waive the secret ballot requirement. If by secret ballot, those ballots shall be tabulated by the Chairperson, Vice Chairperson or their designated representative(s).

9.5 The Committee's ratings and preferences will be contained in a report forwarded to the Executive Committee for final approval. All reports of recommendations to the Executive Committee shall include the Committee members present and the numerical division

of the votes cast with respect to each recommendation made.

SECTION 10: APPROVAL OF THE COMMITTEE'S RECOMMENDATIONS
AND EXECUTIVE COMMITTEE'S ELIGIBILITY

10.1 A presumption of regularity will be accorded the report and recommendations of the Committee if presented as required in Section 9.5. The Executive Committee shall not overturn any rating and/or preference of the Committee absent a showing that the Committee's rating and/or preference is clearly erroneous. A reversal of any rating and/or preference of the Committee shall require the vote of 75% of the members of the Executive Committee present at the meeting in which approval is considered.

10.2 No member of the Executive Committee of the Association shall participate in approval of any judicial candidate's rating if that Executive Committee member has made any contribution to, or participated in any way in promoting the election campaign of any candidate for that specific judicial seat or effort to fill the judicial vacancy. The Executive Committee member shall have an affirmative duty to disclose any such conflict of interest and shall recuse herself from participating in all approvals of ratings of any candidate for that judicial seat. The Chairperson or Vice-Chairperson shall have the opportunity to make a presentation and answer any questions at the Executive Committee's discussion of the Committee's Report on ratings and preferences.

10.3 All confidential information obtained by the Executive Committee of the Association from the Committee shall remain confidential by each of the Executive Committee Members of the Association.

SECTION 11: JUDICIAL VACANCIES

11.1 When a vacancy occurs for any elected county or municipal judicial office which will appear on the ballot in Cuyahoga County, the Committee at the request of the Executive

Committee may make a recommendation report to the Executive Committee for the Association's recommendation to the Governor of Ohio of a list of members of the Bar to fill such vacancy. In its report to the Executive Committee, the Committee may indicate its order of preference for those members of the Bar whom it considers qualified. The Committee's report shall be based solely on professional considerations and shall not consider as a factor the likelihood of appointment. In deciding whether or not a member of the Bar is qualified for a judicial vacancy, the Committee shall take into account the generally high standards of integrity, judicial temperament, diligence, professional competence and community involvement and understanding which those who aspire to judicial office should possess.

11.2 (A) Before making its recommendation, the Committee may seek to ascertain the identities of potential appointees by whatever means as are reasonably available to it. Thereafter, the Committee shall invite potential appointees to appear before it for the purpose of reviewing their qualifications for the vacant post.

(B) The Committee may submit to each potential appointee for a judicial vacancy known to it the biographical questionnaire as provided for in Section 6.

SECTION 12: MISCELLANEOUS

12.1 The Association's position with respect to the rating of a candidate for judicial office by the Association may be changed at any time during the period of such person's candidacy if sufficiently compelling circumstances present themselves. If the Committee, by an affirmative vote of the majority of the Committee present at a meeting called for such purpose determines that a candidate has given false information upon a material matter, or that the candidate is violating or has violated the ethical standards governing his or her professional conduct or his or her conduct of a judicial office held by such candidate, or that there exist any other circumstances warranting action under this subsection, the Committee may recommend to

the Executive Committee that the Association revoke any approval previously given a candidate, that the Association change its position on such candidate, or that the Association take such other action in respect of such candidate as deems appropriate under the circumstances, including referral to the Office of Disciplinary Counsel or the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court.

12.2 The Committee may use, subject to the approval of the Executive Committee, such means as are appropriate to carry out the intent and purpose of these Rules.

12.3 Any candidate who wishes to use the Association rating shall use only the rating categories or terminology of the Association i.e., "Excellent," "Good," "Adequate," or "Not Recommended," and "Preferred" (if awarded) in connection with the race in which such rating was awarded by the Association in his/her campaign literature, publicity and oral presentations. Use of other terminology may be grounds for reconsideration of the rating given that candidate by the Association or other appropriate action as the Association may deem advisable.

12.4 These rules, and any amendments thereto, are effective immediately upon adoption by the Association's Board of Trustees. The rules or amendments thereto are considered adopted if approved by the Association's Board of Trustees by majority vote.

Amended by the Ohio Women's Bar Association Board of Trustees on April 6, 2010.