

RULES GOVERNING THE SUPREME COURT  
JUDICIAL RATINGS 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; the "Board" means the Board of Trustees of the Ohio Women's Bar Association; "Supreme Court Committee" means the Supreme Court Judicial Ratings 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 Supreme Court Judicial Ratings Committee.

SECTION 2: PURPOSE AND ORGANIZATION

2.1 The purpose of this Supreme Court Committee shall be to promote the free exchange of ideas concerning the qualifications of candidates for the offices of chief justice and justice of the Supreme Court of Ohio; 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 Supreme Court 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 Supreme Court Committee shall be to campaign for, or otherwise assist in or promote the election or defeat of, any candidate for judicial office. This Supreme Court Committee is not intended to play any role in the selection of persons to fill any federal judicial office or local judicial office.



2.2 (A) The Supreme Court Committee shall consist of one member from each of the Appellate Districts in the state of Ohio and at least two, but no more than five, at-large members. No more than 2 Supreme Court Committee members may be from the same Appellate District. A Committee will be properly constituted as long as members from at least 75% of the Appellate Districts in the state of Ohio are appointed, and at least one member from each of the OWBA regions is appointed.

(B) Any member of the Association may apply for membership on the Supreme Court Committee through a written application process, which shall include at a minimum: 1. applicant's agreement to comply with the confidentiality provisions as set forth in Section 4.2 of these Rules ; 2. applicant's eligibility as set forth in Section 3 of these Rules; and 3. 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 Board, members of the Supreme Court Committee and its Chairperson and Vice-Chairperson shall be appointed by the President in May of each year that a term expires beginning in May 2013.

(C) The Committee shall initially be appointed in August 2010 with two initial slates of members. One-half of the total Supreme Court Committee members being appointed in August 2010 shall be appointed in Slate A for a term that ends in May 2011. One-half of the total Supreme Court Committee members being appointed in August 2010 shall be appointed in Slate B for a term that ends in May 2013. Thereafter, each slate of new members as appointed beginning in May 2011 shall serve three-year terms.

2.3 Subject to confirmation by the Board, the Chairperson and Vice-Chairperson shall be appointed by the President from the membership of the existing Supreme Court Committee at the time of appointment and their terms must extend at least into the years in

which they are appointed. After the initial Chairperson has been appointed, all subsequent Chairpersons must have served at least one full year on the Supreme Court Committee, or must have previously served on the Supreme Court Committee for at least one full year. Chairperson and Vice-Chairperson appointments shall be made for a three-year term.

2.4 Members may serve two consecutive terms on the Supreme Court Committee. After an absence of at least of one full term from the Supreme Court Committee after serving for two consecutive terms, a former member may be reappointed to serve a new term on the Supreme Court Committee. Current membership on any other judicial selection committee does not disqualify appointment to the Supreme Court Committee, unless that other committee evaluates the judicial candidates for the Supreme Court of Ohio.

2.5 A quorum must be present at all times for the Supreme Court Committee to perform candidate interviews, deliberate and vote on candidate ratings, and make recommendations for changes to these Rules. With respect to any other function of the Supreme Court Committee, a quorum is not required unless a majority of all members of the Supreme Court Committee vote that a quorum is required for a particular function. A quorum of the Supreme Court Committee shall consist of 50% of the total members currently appointed to the Supreme Court Committee, with the quorum rounded up to the closest whole number when the Supreme Court Committee totals an odd number of members.

SECTION 3: ELIGIBILITY TO SERVE  
ON THE SUPREME COURT JUDICIAL RATINGS COMMITTEE

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

3.2 No person shall be eligible to serve on the Supreme Court Committee who is, or



contemplates becoming, during a term of appointment to the Supreme Court Committee, a campaign chair, manager, treasurer or other officer or member of a committee supporting a judicial candidate for the Supreme Court of Ohio, or who is a publicly announced endorser or fund-raiser for a candidate for such judicial office.

3.3 (A) No member of the Supreme Court Committee shall, during the period of his or her membership on the Supreme Court Committee, make any contribution to, or participate in any way in promoting the election campaign of any judicial candidate for the Supreme Court of Ohio or the effort of any person to be approved to fill a judicial vacancy for the Supreme Court of Ohio. No Supreme Court Committee member shall participate in any decision of that member's law firm with respect to contributions to a judicial candidate for the Supreme Court of Ohio.

(B) If a Supreme Court Committee member's spouse participates in, or contributes financially or otherwise to, the campaign of any judicial candidate for the Supreme Court of Ohio, or supports the effort of a candidate to secure appointment to a vacancy on the Supreme Court of Ohio, that Supreme Court Committee member shall absent herself or himself from participating in all interviews, discussions and ratings of any candidate for that judicial seat.

3.4 All persons appointed to the Supreme Court Committee shall be licensed in the state of Ohio in active status and in good standing. In the interest of ensuring diversity reflective of the Association and its membership, appointments will be made based upon consideration of such factors as race, ethnicity, geographic location, political affiliation, diversity of subject matters practiced, and diversity of office types such as large, medium and small firm practitioners, solo practitioners, government lawyers and in-house counsel.

3.5 No person shall be appointed to and/or should serve on the Supreme Court

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 Supreme Court Committee's meetings and interview sessions in each year of service.

SECTION 4: RULES GOVERNING THE PERFORMANCE  
OF THE SUPREME COURT JUDICIAL RATINGS 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 two weeks in advance of any meeting of the Supreme Court Committee and/or any of the Supreme Court Committee members for any purpose related to these 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 Supreme Court Committee receiving such notice.

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

(C) Upon resignation or dismissal of a member, a replacement appointment is not required unless the resignation or dismissal results in fewer than 50% of the total members of the Supreme Court Committee existing at the time that the vacancy occurred. If the President appoints a replacement, it is subject to confirmation of the Board. Replacements of members to the Supreme Court Committee will be only for the length of the term vacated.

4.2 Each member appointed to the Supreme Court Committee shall sign a pledge of confidentiality, agreeing to hold strictly confidential all information obtained by the Supreme Court Committee through questionnaires, investigations, interviews, or other sources, as well as the deliberations of the Supreme Court Committee and the votes of its members, and the report and recommendations of the Supreme Court Committee to the Board 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 Supreme Court Committee upon a majority vote of the Board of the Association.

4.3 (A) The perception of impartiality is as important as the reality of it insofar as this Supreme Court Committee's work is concerned. If any circumstance known to a member of the Supreme Court Committee exists which might cause a reasonable person to question the objectivity or impartiality of that Supreme Court 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 Supreme Court Committee member is expected to disclose any such circumstance to the Supreme Court 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 Supreme Court Committee's deliberations and vote on the judicial race or vacancy affected. Should a Supreme Court Committee member fail to make such a disclosure, and should it later be determined by majority vote of the Supreme Court Committee that such a circumstance existed and was known to the Supreme Court Committee member, such non-disclosure may be grounds for expulsion from the Supreme Court Committee upon a majority vote of the Board 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 Supreme Court Committee, that one of the Supreme Court 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 Chairperson, or the Vice-Chairperson in the event it is the Chairperson to which the candidate objects, 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 Supreme Court Committee shall arise subsequent to the interview, if any, and prior to the announcement of the Supreme Court Committee's recommended ratings, such investigation and action shall be taken as is deemed appropriate in the discretion of the Chairperson. No action will be taken as to any complaint concerning the objectivity or impartiality of any member of the Supreme Court Committee which is received after public announcement of the Supreme Court Committee's recommended ratings.

#### SECTION 5: FINANCES

5.1 The Supreme Court 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 Supreme Court Committee by the Executive Committee shall be made by the Treasurer of the Association.

#### SECTION 6: BIOGRAPHIES OF CANDIDATES

6.1 The Supreme Court Committee shall 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 Supreme Court Committee shall deem appropriate.

6.2 The candidate shall be advised of the date that the questionnaire and waiver must be returned to the Supreme Court Committee when the questionnaire and waiver are sent. If no response is received by the due date, the Chairperson of the Supreme Court 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 Supreme Court 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 Supreme Court 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

7.1 Whether or not a response to the biographical questionnaire has been submitted, the candidate shall be invited for a personal interview to enable the Supreme Court Committee to evaluate the candidate's qualifications. The Supreme Court Committee may expand upon any questionnaire, if submitted, or discuss any other matter the Supreme Court Committee may deem appropriate. All candidates shall be evaluated by the Supreme Court Committee, regardless of whether they submit a questionnaire or waiver form, and/or participate



in the interview process. The Supreme Court Committee and the candidate can mutually waive an interview if the Supreme Court Committee deems it appropriate in a particular circumstance.

7.2 The Supreme Court 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 Supreme Court Committee may conduct its own investigation and/or act upon whatever information is available to the Supreme Court 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 Supreme Court 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 Supreme Court Committee of any material therein relevant to evaluating the fitness of the candidate for judicial office. The Supreme Court 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: SUPREME COURT COMMITTEE RECOMMENDATIONS

8.1 The Supreme Court Committee shall select an individual rating for each judicial candidate in the primary and general elections. The recommendation of the Supreme Court 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. Nothing shall preclude the Supreme Court Committee from giving the same rating to opposing candidates in any particular race.

8.2 A member of the Supreme Court 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 Supreme Court Committee's discussion of the candidate's or applicant's qualifications. There shall be no voting by proxy.

8.3 Voting by the Supreme Court 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).

8.4 The Supreme Court Committee's ratings will be contained in a report forwarded to the Board for final approval. All reports of recommendations to the Board shall include the Supreme Court Committee members present and the numerical division of the votes cast with respect to each recommendation made.

SECTION 9: APPROVAL OF THE SUPREME COURT COMMITTEE'S  
RECOMMENDATIONS AND BOARD'S ELIGIBILITY

9.1 A presumption of regularity will be accorded the report and recommendations of the Supreme Court Committee if presented as required in Section 8.5. The Board shall not overturn any rating of the Supreme Court Committee absent a showing that the Supreme Court Committee's rating is clearly erroneous based upon the standards and criteria previously

set forth in section 8 of these Rules. A reversal of any rating of the Supreme Court Committee shall require a majority vote of the members of the Board present at the meeting in which approval is considered.

9.2 (A) No member of the Board shall participate in approval of any judicial candidate's rating if that Board member is seriously contemplating running for an elected judicial office which appears on a ballot in the state of Ohio, or is seeking appointment to a judicial vacancy for such an office during the Board member's term on the Board.

(B) No member of the Board shall participate in approval of any judicial candidate's rating if that Board member contemplates becoming, during her term of appointment on the Board, a campaign chair, manager, treasurer or other officer or member of a committee supporting a judicial candidate for the Supreme Court of Ohio, or who is a publicly announced endorser or fund-raiser for a candidate for such judicial office.

(C) No member of the Board shall participate in approval of any judicial candidate's rating if that Board member has made any contribution to, or participated in any way in promoting, the election campaign of any judicial candidate for the Supreme Court of Ohio, or the efforts of any person to be approved to fill a judicial vacancy for the Supreme Court of Ohio. No Board member shall participate in any decision of that Board member's law firm with respect to contributions to a judicial candidate for the Supreme Court of Ohio.

(D) If the Board member's spouse participates in, or contributes financially or otherwise to, the campaign of any judicial candidate for the Supreme Court of Ohio, or support the effort of a candidate to secure appointment to a vacancy on the Supreme Court of Ohio, that Board member shall absent herself or himself from participating in all interviews, discussions and ratings of any candidate for that judicial seat.

(E) The Board member shall have an affirmative duty to disclose any conflict of interest described in this section and shall recuse herself or himself from participating in all approvals of ratings of any candidate for that judicial seat.

(F) No member of the Board shall participate in approval of any judicial candidate's rating if that Board member is currently serving a term on the Supreme Court Committee.

9.3 The Chairperson or Vice-Chairperson shall have the opportunity to make a presentation and answer any questions at the Board's discussion of the Supreme Court Committee's Report on ratings.

9.4 All confidential information obtained by the Board from the Supreme Court Committee shall remain confidential by each of the Board members.

#### SECTION 10: JUDICIAL VACANCIES

10.1 When a vacancy occurs for a judicial office of the Supreme Court of Ohio, the Supreme Court Committee at the request of the Executive Committee may make a recommendation report to the Board 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 Board, the Supreme Court Committee may indicate its order of preference for those members of the Bar whom it considers qualified. The Supreme Court 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 Supreme Court 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.

10.2 (A) Before making its recommendation, the Supreme Court Committee may seek

to ascertain the identities of potential appointees by whatever means as are reasonably available to it. Thereafter, the Supreme Court Committee shall invite potential appointees to appear before it for the purpose of reviewing their qualifications for the vacant post.

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

#### SECTION 11: MISCELLANEOUS

11.1 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 Supreme Court Committee, by an affirmative vote of the majority of the Supreme Court 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 Supreme Court Committee may recommend to the Board 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.

11.2 The Supreme Court 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.

11.3 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" 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.

11.4 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.

**Adopted by the Ohio Women's Bar Association Board of Trustees on August 23, 2010.**