

DETROIT BAR ASSOCIATION

The Bylaws of the Judicial Candidate Evaluation Committee

Section 1. Name and Purpose

The name of this committee shall be the Judicial Candidate Evaluation Committee of the Detroit Bar Association. The purpose of this Committee shall be to evaluate candidates for election to judicial office by the electorate in the Wayne County and the City of Detroit Courts.

Section 2. Membership

- A. **Membership:** The Judicial Candidate Evaluation Committee shall consist of members of the Detroit Bar Association in good standing and recognized for their judgment, and independence.
- B. **Appointment:** The members of the committee shall be appointed by the President of the Association. Insofar as possible, the President shall endeavor to appoint to the Committee persons representing a broad cross section of the Bar.
- C. **Term:** The duration of membership of the Committee shall be two years.
- D. **Chair:** The Committee shall have a Chair who shall be appointed by the President.
- E. **Quorum:** Fifty percent of the Committee shall constitute a quorum.
- F. **Vacancies:** Vacancies in the Committee shall be filled by appointment of the President.
- G. **Disqualification:** The following shall not be permitted to serve on the Committee
 - (i) Any person who is candidate for election to any judicial office,
 - (ii) Any person who is associated in the practice of law with a candidate for election to any judicial office, provided that the sharing of office space or the practice of law in a legal department of a prosecutor's office or business, non-profit or municipal corporation without any other financial link between a person and a candidate shall not constitute being associated in the practice of law,
 - (iii) Any person who is a campaign manager or in an equivalent position for any candidate.
 - (iv) Any person who contributes \$500 or more to the campaign of a candidate for election to any judicial office in Wayne County, or the Michigan Court of Appeals.
 - (v) A person who is on a campaign committee or lends his or her name for use in the campaign, or who contributes funds less than \$500.00 to a candidate shall not be disqualified from service on the committee, provided that the person makes an affirmative disclosure regarding his or her involvement in the candidate's campaign.

The Chair of the Committee shall not actively or financially support any candidates for election for the judicial offices for which the Committee is charged to evaluate.

Section 3. Member's Duty of Fidelity

- A. No member of the Committee shall make any advance commitment concerning how he will vote at any Committee meeting concerning the qualification of any person to be considered by the Committee.
- B. The discussions at the Committee meetings pertaining to the qualifications of persons to be considered by the Committee shall be completely confidential; and no member of the Committee shall disclose to anyone not a member of the Committee, any action taken by the Committee or any statement made at a Committee meeting pertaining to the qualifications of any person whose name has been submitted to, or has been considered by, the Committee. It shall be regarded as a violation of the fidelity a member owes to other members of the Committee and to the public trust s/he undertakes upon becoming a member of the Committee, for any member to make a commitment or disclosure in violation of this section. Any member who makes such a commitment or disclosure shall be subject to immediate removal as a member of the Committee by the President of the Association. Any member so removed shall have a right of appeal to the Board of Directors of the Association, but the appeal shall be restricted to the factual question whether the member made the commitment or disclosure upon the basis of which he was removed as a member of the Committee.

Section 4. Evaluation and Ratings

- A. **Evaluation of Judicial Candidates:** The Committee shall evaluate the fitness of each candidate for judicial office based upon the candidate's legal ability (scholarship, analysis, judgment, clarity of expression), trial experience, integrity, honesty, judicial temperament (e.g. must be courteous to and considerate of jurors, parties, witnesses and counsel, must be open-minded, even-tempered, fair and impartial), health and reputations, without regard to party affiliation, race or creed.
- B. **Ratings:** There shall be four categories of ratings for candidates for election to judicial office: "Outstanding," "Well Qualified," "Qualified," and "Not Qualified."
 - (i) **Outstanding:** To be rated "outstanding," an individual must stand at the top of his/her profession; and must rank among the very best qualified judges or lawyers available for judicial service. S/he must have outstanding legal ability and background, and wide experience, wisdom, intellect, insight, and impartiality. To be accorded this highest rating, a candidate should generally also have the breadth of vision and outlook which derives from participation in the civic, charitable, religious or political activities of the community and the work of the organized bar or other professional organizations. In short, s/he should be a person whose preeminence in the law and as a citizen is widely acknowledged and whose qualifications for the position are virtually unanimously hailed by judges and lawyers.
 - (ii) **Well Qualified:** To be rated "well qualified," a candidate must exhibit essentially those qualities indicated for the rating of "outstanding." Although this is a rating which is lower than outstanding, it is nevertheless a high rating. A "Well Qualified" candidate may have less breadth of experience but shows the promise of all the criteria above.
 - (iii) **Qualified:** To be rated "qualified," a candidate must exhibit a fitness for the judicial

office which s/he seeks. A candidate given this rating would be considered average on an overall analysis of the factors set forth in (a) above.

(iv) **Not Qualified:** To be rated “not qualified,” a candidate must be considered well below average on an overall analysis of the factors set forth in (a) above. The “not qualified” rating indicates that a candidate is not qualified for the judicial office which he or she seeks, but the rating should in no way be construed as an adverse reflection on the candidate’s qualifications as an attorney.

- C. **No rating - Did Not Participate:** If a candidate does not submit a questionnaire or attend an interview and the Association Secretary certifies, in writing, to the Committee that written notice was provided to the candidate, then the Committee may issue a “No Rating; Did Not Participate”. However, if there is sufficient information available to the Committee on the Candidate’s fitness for the judicial office which s/he seeks, the Committee may rate such candidate, even in absence of a questionnaire or an interview.
- D. The rating given to each candidate or the fact of a no rating shall be made public by the Committee.

Section 5. Procedures of the Committee

- A. The Committee shall initially discuss procedures and the information available to it regarding each candidate. Criticisms of candidates may be confronted with such criticisms at the time of their interviews. At no time shall criticisms of any candidate be raised by any member of the Committee unless such candidate has an opportunity to respond to such criticisms at the time of his or her interview.
- B. The Committee may solicit by such means as it considers appropriate all members of the Association who are not members of the Committee and request written comments on the qualification of candidates. Such comments shall be considered by the Committee in the course of its evaluation of candidates.
- C. The Committee shall submit to each candidate a questionnaire as approved by the Chairpersons of the Committee. The Chairpersons shall assign a Committee member to check the discipline history of all candidates (whether or not the candidate participates in the process), and the Committee member shall provide that information to each interview panel and the full Committee.
- D. The Committee shall interview each candidate by a panel of not less than three members of the Committee.
- E. Each panel shall make a recommendation to the full Committee as to the rating to be given to each candidate. Any dissenting views from any panel members shall be made known to the full Committee. Even if the candidate has not returned a questionnaire or attended an interview, the panel shall rate the candidate if it has sufficient information available for such purpose. A rating shall have the support of a majority of the panel. The lower rating shall be recommended to the full Committee when members of the interviewing panel are equally divided on two ratings to a recommendation of both ratings.

- F. In the event that the members of the panel are divided on more than two ratings, the rating with the greatest number of votes shall be recommended to the full Committee.
- (i) The full Committee shall consider the recommendation of the panel and assign a rating to each candidate. The procedure of the full Committee shall be as follows: The recommendation of the panel shall be considered moved and seconded by the members of the full Committee upon receipt of the report panel, along with any dissenting views of any panel members.
 - (ii) The Committee shall first vote on the recommendations of the panel after discussion. In the event that a rating is passed by a majority of the Committee, the Committee shall at no time thereafter consider a lower rating; however, consideration of a higher rating shall be in order. In the event that the recommendation of the panel is defeated by a majority of the Committee, a lower or higher rating may be considered by the Committee.
 - (iii) At the end of consideration of ratings for all candidates to a particular court, a motion to give any candidates for that court a higher rating shall be in order.
 - (iv) Once all ratings for a particular court have been made and there has been opportunity for reconsideration pursuant to (iii) above, there shall be no further consideration of ratings assigned to candidates for such court.
- G. The Chair of the Committee may utilize one or more sub-committees for a particular court for consideration of the report of the panel, in which events the procedures of the full Committee set forth in above shall apply to such sub-committee and the report of such sub-committee shall be treated as the report of the panel for purposes of the procedures of the full Committee.

Section 6.

These bylaws shall become effective upon approval by the Board of Directors of the Detroit Bar Association. They may be amended at any time by the said Board.

Initially approved by the Board of Directors of the Detroit Bar Association on February 25, 1976.

Revised by Board of Directors on April 13, 2017.