

**RULES OF THE  
NEWPORT NEWS BAR ASSOCIATION  
JUDICIAL SCREENING COMMITTEE**

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A. Composition

The Judicial Screening Committee ("JSC" or "Committee") shall consist of the President, ex officio, with voting rights and six (6) Association members.

B. Appointment to the JSC

- (1) All members of the JSC shall be nominated by the President and elected by the Board of Directors of the Newport News Bar Association ("NNBA" or "Association") to screen candidates to be considered by the NNBA membership for any judicial vacancy.
- (2) The six (6) members of the JSC ("Association Members") shall be members in good standing of the Association.
- (3) Upon adoption the Board of Directors shall elect two (2) Association members to serve one-year terms; two (2) Association members to serve two-year terms; and two (2) Association members to serve three-year terms. Following the initial terms, all terms shall be for three years.
- (4) Upon adoption, the President shall designate one of the two Association members serving one-year terms as Chair and one of two Association members serving two-year terms as Chair-Designate. Each year thereafter the President-Elect shall designate one of the two members with two years remaining on his or her term to serve as Chair-Designate. Such Association member will serve as Chair the following year, and he or she will assume the duties of the Chair when the Chair is absent. In the event both the Chair and Chair Designate are absent or unable to serve, the President shall appoint a temporary Chair. Subsequent to the initial JSC, both the Chair and the Chair-Designate must have previously served at least one year as an Association member of the JSC.
- (5) In recommending and electing the Association members of the JSC, the President and the Board of Directors shall be guided by the NNBA's principle that the membership of the JSC shall be diverse. Such diversity shall include, but not be limited to:
  - (a) Type of practice or occupation
  - (b) Size of firm or employer
  - (c) Membership in other organizations
  - (d) Other factors which reflect diversity considerations

C. Duties of NNBA President and JSC Chair

- (1) On or before October 1 of each year the NNBA President shall inform the Newport News legislative delegation of:
  - (a) The rules of the JSC;
  - (b) The names, addresses and occupations of the JSC members and officers;
  - (c) The known or anticipated judicial vacancies the JSC will address during the President's term of office.
- (2) The Chair shall give timely notice of meetings to all JSC members. Four (4) JSC members, including the President, shall constitute a quorum.
- (3) When a judiciary vacancy has occurred or is anticipated, or when a new judicial position is established or anticipated, the JSC Chair, in the interest of soliciting a diverse pool of applicants, shall invite members of the Specialty Bars recognized by the Virginia State Bar to submit applications in accordance with the following section.

D. Procedures and Standards for Screening Judicial Candidates

- (1) When a vacancy in a judicial office exists or is anticipated, or when a new judicial position is established or anticipated, by the Board of Directors, the JSC shall receive any and all applications from judicial candidates, and all persons who file a fully completed application and consent to consideration shall be interviewed by the Committee. The JSC shall also be provided with the results of all prior rankings for any judicial candidate who has appeared before the Committee in previous years for a position on the same court.
- (2) After a judicial candidate is interviewed by the Committee, the candidate shall be excused to allow the Committee the opportunity to conduct a brief caucus immediately after the interview. In the event that there are any specific incidents, events, or issues which cause concern to a Committee member regarding the candidate's qualifications, the Committee member shall describe the specific incident, event, or issue to the whole Committee during the caucus. Thereafter, the candidate shall be given the opportunity to return to the room to discuss the same with the Committee. Each candidate will be asked to provide a telephone number where he or she can be reached by the Committee should such a specific incident, event, or issue be disclosed later during the Committee's deliberations.
- (3) A JSC member shall recuse himself or herself from participating in screening of all candidates for a vacancy or vacancies if the JSC member (i) is a candidate or anticipates becoming a candidate for the vacancy or vacancies or (ii) has had a personal, professional, or adversary relationship with any judicial candidate which could result in bias or prejudice on the part of the JSC member or (iii) is related by blood or marriage to any candidate or (iv) is a business partner of any

candidate or (v) is affiliated with the same law firm or the same legal department or office as any candidate. The membership of the JSC shall be disclosed to the candidates prior to the interview process. If any candidate believes a JSC member ought to recuse him or herself, the candidate JSC member shall immediately notify the JSC Chair in writing and shall state his or her reasons for the requested recusal. The JSC shall consider the candidate's written request for the recusal and shall vote whether the JSC member will be excluded from the screening process. This vote shall be taken by written ballot, counted by the Chair, and the ballots will be destroyed with no records being kept of the vote. The JSC Chair shall decide whether to inform the candidate of the specific vote count on this issue or the reasons for the positions taken by the JSC on the issues raised.

- (4) In reviewing the qualifications of judicial candidates, the JSC shall be guided by the ABA Guidelines for Reviewing Qualifications for State Judicial Office.
- (5) The procedures and standards set forth in the Rules of the Newport News Bar Association Judicial Screening Committee shall apply to a candidate holding a regular, full-time judicial appointment.
- (6) Judicial candidates who are favorably reported by the JSC shall be deemed qualified, as follows:

A judicial candidate who meets the minimum requirements for fairness, experience, intellect, temperament, professionalism and integrity. There shall be a rebuttable presumption that a candidate who had been previously rated as qualified by the JSC in a prior year for the same court shall receive a qualified rating thereafter. If the presumption is rebutted, the basis for this decision will be stated in the executive summary.

- (7) A lawyer shall be deemed NOT QUALIFIED if he or she does not meet the minimum requirements set forth above.
- (8) Votes on judicial candidates shall be made by secret ballot, counted by the Chair and President and destroyed immediately after the count. No record is to be kept of the vote count, and under no circumstances shall the vote count be divulged to anyone by the Chair and President.
- (9) The JSC shall prepare an executive summary ("Executive Summary") of the reasons, positive or negative, for the Committee's opinion of each candidate. The Executive Summary shall address each candidate's qualifications as measured by the ABA Guidelines for Reviewing Qualifications for State Judicial Office. In the event that the JSC reached a determination on a candidate's ranking as qualified or not which differs from a ranking issued by the JSC for that candidate in a prior year for the same court, the Executive Summary shall explain the changed ranking with reasonable specificity.

- (a) The Executive Summary regarding a candidate shall be delivered to that candidate immediately. Any candidate may withdraw from further consideration, and upon submission of a signed statement that he or she will neither stand for the NNBA membership vote nor be interviewed by the legislative delegation, the Executive Summary will not be released or published.
- (b) The Executive Summary will be made available to the NNBA membership by the President for each candidate who wants his or her name to be submitted to the membership for endorsement whether or not the candidate is favorably reported. The Executive Summary will be submitted to the legislative delegation or other appointing authority for each candidate who interviews for the judicial vacancy.

E. Membership Voting

- (1) Voting by the NNBA membership shall be by secret, printed ballot and shall be conducted in accordance with the following provisions:
  - (a) The President shall notify the Secretary of the NNBA of the names of those judicial candidates who have been deemed qualified by the JSC.
  - (b) To protect the integrity of the voting process, the Secretary shall have the ballots printed so as to prevent or discourage unauthorized duplications.
  - (c) The ballot shall be substantially in the form set forth below:

Newport News Bar Association  
Official Judicial Candidate Ballot

- (d) A vote must be entered for each candidate.

ENDORSED

By voting "Endorsed" you are affirmatively asserting your belief that the particular candidate's name should be submitted to the legislature for consideration as a judicial candidate by the NNBA.

NOT ENDORSED

By voting "Not Endorsed" you are asserting your belief that the particular candidate's name should not be submitted to the legislature for consideration as a judicial candidate.

Name of Candidate One  Endorsed

Not Endorsed

Name of Candidate Two

Endorsed

Not Endorsed

You must deposit this ballot in the ballot box in the Circuit Court Clerk's Office or mail it to Post Office Box XYZ, Newport News, VA ABCDE, no later than \_\_\_\_\_, 20\_\_.

- (e) The Secretary shall deliver to each member of the NNBA eligible to vote a packet containing the ballot and the Executive Summary for each judicial candidate whose name appears on the ballot.
- (f) Members shall have ten days from the date of mailing by the Secretary to mark and return the ballots.
- (2) The President and Chairman should appoint two (2) members of the NNBA to count the ballots and report to the President and Chairman the results of the ballot count.
- (3) The President shall forthwith report to the judicial candidates and the membership of the NNBA the names of those candidates who received "ENDORSED" votes from a majority of the votes cast.
- (4) No candidate may be nominated by petition or otherwise who did not submit an application to and was not interviewed by the JSC.
- (5) Notwithstanding the foregoing provisions of this paragraph, the President may, when exigent circumstances demand, give appropriate notice to the NNBA membership of a meeting for the purpose of voting on judicial candidates. The procedure shall otherwise conform substantially to that provided for in this paragraph.

F. Submission To Members of Appointing Body or Appointing Official

After the close of all voting, the tabulation of the ballots, the report of the tabulation by the NNBA President to the candidates and the NNBA membership, the following information shall be furnished by the President to the appointing body, appointing official or such other entity charged with the duty of making or recommending judicial selection, and the following information shall be furnished to anyone by the President upon request:

- (1) The Executive Summary, biographic information and the report of the outcome of the membership vote for each candidate who received a majority of "Endorsed" votes from the members of the Association who had an opinion about the candidate.

- (2) The Executive Summary, biographic information, and the outcome of the membership vote on each candidate who seeks to be interviewed by the members of the General Assembly, even though he or she did not receive a majority of "Endorsed" votes from the members of the Association who had an opinion about the candidate; and
- (3) The names, addresses, occupations, and employers of the JSC members who participated in the deliberations.

G. Communication with Members of Appointing Body or Appointing Official

Following submission of the aforesaid materials, and before the candidates are interviewed by the appointing body, the appointing official or such other entity charged with the duty of making or recommending judicial selection, the President and JSC Chair shall be available to meet with and may appear before those charged with the duty to appoint or recommend judicial selection to explain the judicial screening process.

H. Confidentiality

The JSC deliberative process as to each judicial candidate shall be kept strictly confidential by all members. There shall be no discussion of candidates' qualification by any member of the JSC when the Committee is not convened or writing executive summaries, even with a member of the legislative delegation. As a prerequisite to becoming a member of the JSC, Committee applicants must sign the attached Confidentiality Agreement. Any member of the JSC may recommend to the NNBA President the removal of any JSC member who fails to abide by the terms of the Confidentiality Agreement. Any JSC member removed from the Committee for this reason will be prohibited from service on the Committee at any time thereafter.

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