

**RULES OF THE
VENTURA COUNTY BAR ASSOCIATION
JUDICIAL EVALUATIONS COMMITTEE**

(Adopted by the VCBA Board of Directors on June 17, 2009)

Mission Statement

The mission of the Ventura County Bar Association Judicial Evaluations Committee is to assist the Governor and the electorate in the judicial selection process and thereby to promote a California judiciary of quality and integrity by providing independent, comprehensive, accurate, and fair evaluations of candidates for judicial appointment and election.

Rule 1. Definitions

Rule 1.1. Committee Activity

Committee activity means activities that include but are not limited to interviews, votes of individual committee members or the committee as a whole, comments during meetings and between investigating committee members, and any matter connected with the investigation of a candidate.

Rule 1.2. Confidential Comment Form

Confidential Comment Form means the questionnaire sent to potential evaluators who may have knowledge of a candidate. Forms include but are not limited to inquiries concerning professional ability, professional experience, judicial temperament, professional reputation, work ethic/resource management, impairment, and bias. (See Rule 2.3, Confidential Comment Forms—Lists and Mailings.)

Rule 1.3. Personal Data Questionnaire

Personal Data Questionnaire means the application form created by the Governor's Office for candidates to provide personal background information.

Rule 1.4. Personal Interview

Personal interview means an interview during which committee members are physically present at the same location as the candidate. A personal interview may be conducted by teleconference or videoconference in unusual circumstances and subject to the chair's approval.

Rule 1.5. Ratings

- a. **Exceptionally Well Qualified:** Possesses professional ability, professional experience, judicial temperament, professional reputation, and work ethic/resource management of remarkable or extraordinary superiority so that, without real doubt, the candidate is fit to perform the judicial function with distinction.
- b. **Well Qualified:** Possesses professional ability, professional experience, judicial temperament, professional reputation, and work ethic/resource management indicative of superior fitness to perform the judicial function with a high degree of skill and effectiveness.

- c. **Qualified:** Possesses professional ability, professional experience, judicial temperament, professional reputation, and work ethic/resource management indicative of fitness to perform the judicial function satisfactorily.
- d. **Not Qualified:** Lacks one or more of the qualities and attributes of professional ability, professional experience, judicial temperament, professional reputation, and work ethic/resource management indicative of fitness to perform the judicial function satisfactorily.

Rule 1.6. Quorum

Two thirds of the committee members shall constitute a quorum for meetings of the committee.

Rule 2. Evaluation and Reporting Procedures

Rule 2.1. Assignment of Committee Members

- a. **Assignments:** Upon receipt of a Governor's request or a candidate's filing a Declaration of Intention to run for judicial office, the chair (or the vice chair in the chair's absence) shall assign three committee members as an investigating committee to investigate and report to the full committee the qualifications of any candidate for the trial or appellate bench. The chair shall attempt to distribute the work load evenly among committee members and shall maintain a record of assignments.
- b. **Investigating Committee Chair:** The chair shall appoint one investigating committee member as chair of that committee. The investigating committee chair shall contact the investigating committee members for purposes of assuring that the rules of the committee are complied with and to set up procedures to facilitate the investigation and reduce duplication of effort.

Rule 2.2. Letter to Candidate

Prior to the commencement of the investigation and the mailing of Confidential Comment Forms to evaluators, the chair shall notify the candidate of the pending investigation by sending the candidate a letter (Ex. A) explaining the evaluation process, listing the committee and investigating committee members, and advising the candidate that these rules are available on the VCBA web site.

Rule 2.3. Confidential Comment Forms—Lists and Mailings

- a. **Candidate's Mailing List:** Upon receiving the name of a candidate, the chair shall request the candidate to provide 50 to 75 names and current mailing addresses, email addresses, and phone numbers, if known, of lawyers and judges, active or retired, who are reasonably likely to have knowledge of the candidate's qualifications and to whom Confidential Comment Forms will be sent.
- b. **Committee's Mailing List:** After receiving the candidate's mailing list, the investigating committee shall prepare a list of at least 25 to 50 additional lawyers and judges, active or retired, who are reasonably likely to have knowledge of the candidate's qualifications and to whom Confidential Comment Forms will be sent, including opposing counsel identified in the candidate's Personal Data Questionnaire but not included in the candidate's mailing list. This list shall reflect a broad cross-section of lawyers and judges in the counties and the areas of law in which the candidate practices or serves as a judicial officer.
- c. **Required Mailing:** Absent unusual circumstances, the investigating committee chair shall send Confidential Comment Forms (Ex. B) with a letter requesting its completion (Ex. C) to all of the persons on the candidate's mailing list and all of the persons on the committee's mailing list. Both lists shall be kept with the file of the investigating committee chair.

- d. **Reimbursement for Expenses:** VCBA shall reimburse committee members upon request for mailing expenses incurred in sending Confidential Comment Forms to evaluators.
- e. **Telephonic and In-Person Contacts:** The investigating committee shall make reasonable efforts to contact, by telephone or in person, persons who do not return their completed Confidential Comment Form, who provide information the details or clarification of which may be helpful to the committee, and who provide negative information concerning the candidate. The investigating committee may observe the candidate's performance in a public forum, for example, a meeting of a public board, council, or committee on which the candidate serves or a court session in which the candidate represents a party or serves as a judicial officer. Use of the Contact Record form (Ex. D) to document contacts and observations is recommended.
- f. **Minimum Total Returns; Goal:** The goal of the committee shall be to base evaluations on a minimum of 50 responses, including Confidential Comment Forms and telephonic and in-person contacts indicating knowledge, as well as on the candidate's Personal Data Questionnaire, writing samples, and personal interview and the investigating committee's observations, if any, of the candidate's performance in a public forum
- g. **Noncompliance with Rule:** If, as a consequence of unusual circumstances, the investigating committee is not able to comply fully with this rule, the report to the Governor shall state the unusual circumstances preventing compliance.

Rule 2.4. Investigating Committee Report

The investigating committee shall report the results of its investigation to the full committee. The report shall include the information required by the Confidential Comment Form Summary (Ex. E).

Rule 2.5. Interview

- a. **Personal Interview; Timing and Number of Interviewers:** All candidates shall be personally interviewed by a quorum of the committee. At least two of the three investigating committee members should be present for the personal interview of the candidate by the committee and should participate in the interview.
- b. **Scheduling of Interview:** The chair shall schedule the candidate's personal interview and confirm the date, time, and location of the interview in a letter to the candidate (Ex. F).
- c. **Purposes of Interview:** The purposes of an interview are (1) to provide the committee with an opportunity to question and evaluate the candidate in person and (2) to provide the candidate with an opportunity to respond to adverse information and to present any additional information that may support the candidate's qualifications.
- d. **Disclosure of Adverse Allegations to Candidate:** The chair shall disclose to the candidate in writing (Ex. G) substantial and credible adverse allegations received regarding factors relevant to the candidate's suitability for judicial office as specifically as possible without any breach of confidentiality as provided for in these rules, not less than four days before the interview, unless the candidate waives this time requirement.
- e. **Discussion of Factors Relevant to Qualifications:** At the interview, the committee shall discuss with the candidate factors relevant to the candidate's qualifications for the bench. The discussion shall be as specific as possible without any breach of confidentiality as provided for in these rules and shall include both positive and negative information.
- f. **Confidentiality of Communications:** No provision of these rules shall be construed to permit the unauthorized disclosure to the candidate of information from which the candidate may infer the source, and information shall not be disclosed to the candidate or be obtainable by any process that would jeopardize the confidentiality of communications from persons whose opinions have been sought on the candidate's qualifications.

Rule 2.6. Qualities/Factors for Consideration in Evaluating Candidates

The committee shall evaluate the qualities and attributes in judicial candidates set forth in Rule 1.5, Ratings. The absence of any one of these qualities and attributes is not intended automatically to disqualify a candidate.

The committee shall not consider in its evaluation of a candidate's qualifications or in rating a candidate the current makeup of the local, state, or national bench or the candidate's gender, nationality, race, ethnicity, religion, sexual orientation, or political party. Considerations such as, but not limited to, whether the bench needs a judge with civil, criminal, juvenile, or other various legal backgrounds or a different balance in any of the areas mentioned in the preceding sentence are immaterial to the question of a particular candidate's qualifications.

Rule 2.7. Evaluation

After deliberation, the committee, by majority vote of a quorum of the committee, shall assign a rating for each candidate. A committee member who was absent during the personal interview or the post-interview discussion of a candidate shall not vote on the rating of that candidate. Each candidate shall be informed in writing of the rating without stating reasons for the rating or the number of votes cast for any rating (Ex. H).

Rule 2.8. Noncooperating Candidates

The committee shall evaluate candidates who decline to return the Personal Data Questionnaire or who decline to appear on the basis of the best information the committee can reasonably obtain. The committee may consider a candidate's failure to cooperate with the committee in evaluating a candidate. The committee's report may comment on a candidate's failure to cooperate with the committee.

Rule 2.9. Reevaluation of Candidates

When a candidate whom the committee has evaluated more than 18 months earlier is submitted to the committee by the Governor, the committee shall investigate and vote again upon the qualifications of the candidate. If a candidate is resubmitted to the committee by the Governor less than 18 months after the committee has evaluated the candidate, the committee shall report its prior rating unless the committee receives information that the majority of a quorum of the committee deems of such substantial significance as to warrant a new investigation and rating. The committee shall not evaluate a sitting judicial officer who is running uncontested.

Rule 2.10. Reports to Governor (Judicial Appointments)

- a. Information to Be Included in Report to Governor:** The chair shall advise the Governor, within the time period requested by the Governor or, if none, within 90 days of the Governor's request for evaluation, of the committee's rating of the candidate. The report to the Governor shall include the following additional information: the names of the committee members who voted, the primary areas of practice of each committee member who voted, the numerical count of the committee's vote, the definitions of the ratings used by the committee as set forth in these rules, and a copy of the Confidential Comment Form Summary (Ex. E). In addition, if a majority of the quorum of voting members can agree on a statement of reasons for the rating, the agreed upon statement of reasons should be included in the report. A copy of the report to the Governor shall be provided to each committee member.
- b. Basis of Not Qualified Rating:** The committee may find a candidate not qualified on the basis of substantial and credible information received in the investigation of the candidate and by majority vote of a quorum of the committee. If the vote of the committee is tied such that two ratings receiving the largest and equal number of votes are qualified and not qualified, the report to the Governor shall give the count and state that the candidate is considered qualified.

Rule 2.11. Reports to VCBA Board of Directors (Judicial Elections)

The chair shall report to the VCBA Board of Directors the committee's ratings of candidates for election, together with the definitions of ratings used by the committee as set forth in these rules but without reasons for the ratings

assigned, at least three weeks before the relevant election. The board has delegated responsibility for judicial evaluations and reports to the committee, and the board shall have no authority to modify or change, in any way, the committee's rating of any candidate. The committee's rating shall be the rating of the VCBA.

In contested judicial elections, the committee's rating shall be made available to the media at the time it is reported to the board.

Rule 3. Confidentiality

Rule 3.1. Disclosure of Information Prohibited

Except as otherwise provided in these rules, disclosure of any information of any nature to anyone who is not a member of the committee is prohibited.

Rule 3.2. Specifically Prohibited Disclosures

A committee member, in respect of persons whose names are submitted to the committee for consideration of their qualifications for service on the bench, shall not disclose to non-committee members in any manner, except for the purposes of performing the investigation and confidential inquiry in connection with the committee's consideration of such person:

1. the name of any person whose name has been submitted to the committee;
2. whether any person's name has or has not been submitted to the committee, or any information regarding when the candidate will be considered by the committee;
3. the discussions, deliberations, or other committee activity concerning any candidate;
4. any information concerning a candidate obtained during investigation or at a meeting of the committee nor his or her own opinion concerning that candidate; or
5. the Personal Data Questionnaire of candidates whose names have been submitted to the committee.

The foregoing does not preclude confidential reporting to the Governor's office of the committee's recommendations concerning judicial candidates in the manner prescribed by the committee and these rules. The foregoing does not preclude a committee member from discussing with anyone the committee's rules and procedures.

Rule 3.3. Retention of Materials

Each member of the committee shall retain in his or her possession completed Confidential Comment Forms, Confidential Comment Form Summaries, Personal Data Questionnaires, Contact Records, and other documents received in the course of an investigation or evaluation of a candidate until the committee has completed its evaluation of the candidate. The member shall then destroy the Personal Data Questionnaires and shall forward the other documents to the investigating committee chair. The investigating committee chair shall then forward the documents in electronic form that identifies the candidate and the date of the committee's evaluation and is marked "confidential—destroy after three years" to the VCBA Executive Director, who shall retain the material confidentially for three years and make it available to the committee upon request of the chair. Unless otherwise instructed by the chair, the VCBA President, or the VCBA Board of Directors, the Executive Director shall then destroy the materials.

When the committee has completed its evaluation of the candidate, the chair shall forward a copy of the Personal Data Questionnaire, writing samples, the committee's correspondence with the candidate, and the report to the Governor or VCBA Board of Directors in electronic form that identifies the candidate and the date of the

committee's evaluation and is marked "confidential—retain indefinitely" to the VCBA Executive Director, who shall retain the material confidentially and make it available to the committee upon request of the chair.

Rule 3.4. Confidentiality Requirements Extended to VCBA Directors, Employees

Members of the VCBA Board of Directors, designees of the Board of Directors, and employees and agents of the VCBA and its Board of Directors are prohibited from disclosing confidential information they receive in the same manner as provided in this rule for committee members.

Rule 3.5. Breach of Confidentiality; Investigation

Upon a claim of breach of confidentiality, the chair shall appoint a three-member special committee to investigate and determine such claim. If the claim is against the chair, the vice chair shall appoint the special committee. The special committee shall fully investigate the claim of breach of confidentiality and shall afford the person accused of the breach an opportunity to respond to the accusation. The special committee shall present its findings to the full committee. If the full committee finds that a breach of confidentiality occurred, the committee may, by majority vote of a quorum of the committee, recommend removal of a committee member to the VCBA Board of Directors.

Rule 4. Conflict of Interest

Rule 4.1. Purpose

This rule is intended to establish standards and procedures to assist the committee and its members in avoiding conflicts of interest, bias, or prejudice that may interfere with the committee's ability to discharge its duties.

Rule 4.2. Prohibited Activities

Committee members shall not during their term of office:

1. contribute funds or donate services to any judicial candidate who is subject to evaluation by the committee;
2. publicly or privately acknowledge or state support for or opposition to any judicial candidate who is subject to evaluation by the committee, except in response to an inquiry from the committee or the State Bar Judicial Nominees Evaluation Committee;
3. participate in the decision-making process of any organization that supports or opposes judicial candidates with respect to that organization's support of or opposition to any judicial candidate who is subject to evaluation by the committee; or
4. seek a judicial appointment or elected judicial position while serving on the committee.

Rule 4.3. Disclosure of Relationship

If a committee member has or has had any significant familial, professional, business, social, political, or other relationship, either adversarial or allied, direct or indirect, with a candidate, or knowledge concerning the candidate's qualifications for judicial office, he or she shall, immediately upon learning of the candidate's identity, disclose to the committee in writing the nature and circumstances of the relationship or knowledge.

Rule 4.4. Disqualification from Participation

Because the Ventura County legal community is a small, local community, committee members may have or have had a relationship with a candidate or knowledge concerning the candidate's qualifications for judicial office. This relationship or knowledge will not disqualify a committee member from participating in the investigation and

evaluation of the candidate unless the nature and circumstances of the relationship or knowledge would unduly influence the member's consideration of the candidate's qualifications or give the appearance of undue influence.

If a committee member having such a relationship or knowledge determines that it would unduly influence his or her consideration of the candidate's qualifications or give the appearance of undue influence, the committee member shall disqualify himself or herself from participating in the committee activity concerning the candidate and shall refrain from attempting to influence other committee members' evaluations of the candidate, except as provided in Rule 4.7.

If a committee member having such a relationship or knowledge determines that it would not unduly influence his or her consideration of the candidate's qualifications or give the appearance of undue influence, the member shall review the nature and circumstances of the relationship or knowledge with the chair (or vice chair if the member is the chair). If the member does not disqualify himself or herself after that review, the committee may disqualify the member by majority vote of a quorum of the committee, and the member shall not participate in that vote.

Rule 4.5. Factors to Be Considered

Factors to be considered in determining whether the relationship requires disqualification include remoteness in time of the relationship, duration of the relationship (transitory, recurring, or long-term), and the extent to which the relationship is distinguishable from a casual, incidental contact.

Rule 4.6. Disqualification by Candidate

A candidate shall have the right to seek disqualification of any committee member based on a conflict of interest as defined in Rule 4. Upon commencing an evaluation, the chair shall give a candidate written notice of the names of the committee members. Within seven days after that notice, the candidate shall submit to the chair (or to the vice chair if disqualification of the chair is sought) in writing the name of any committee member about whom the candidate claims a conflict of interest and the factual basis for the claim. The chair or vice chair shall investigate the claim of conflict of interest, and the committee shall determine, by majority vote of a quorum of the committee, whether the committee member is disqualified. The committee member who is the subject of the vote shall not participate in the vote. The chair shall notify the candidate and the committee member in writing how the claim was resolved.

Rule 4.7. Provision of Information by Disqualified Member

A disqualified member is not precluded from completing a Confidential Comment Form providing information concerning a candidate, either to the committee or to the state Commission on Judicial Nominees Evaluation.

Rule 5. Information Available to the Committee

Rule 5.1. Assignment of Committee Members

The chair shall advise all members of the committee which three members are assigned to investigate a candidate and which of those three members is assigned to chair the investigation.

Rule 5.2. Candidate Materials

All members of the committee shall receive a copy of the candidate's Personal Data Questionnaire from the Governor's office or, in the case of a candidate seeking election, directly from the candidate, plus writing samples obtained through the Governor's office or submitted directly by the candidate.

Rule 5.3. Updated Materials

When the Personal Data Questionnaire is more than 18 months old at the time the investigation commences, the chair shall request an updated Personal Data Questionnaire.

Rule 5.4. Disciplinary Actions against Candidates

The committee shall check the State Bar and Commission on Judicial Performance web sites for information concerning discipline of a candidate and shall consider any publicly available information from the State Bar or Commission on Judicial Performance concerning the candidate.

Rule 5.5. Standard Forms

The committee may alter the forms attached as exhibits to these rules, except the Agreement required by Rule 6.3 (Ex. I), and may adopt additional forms for use in the committee's work.

Rule 5.6. Claimed Rule Violations

Any claimed violation of these rules shall not be an automatic basis for invalidating the consideration or vote of the committee on any candidate.

Rule 6. Composition of Committee and Appointment and Removal of Members

Rule 6.1. Composition of Committee

The committee shall consist of between 9 and 13 VCBA attorney members, including a chair and a vice chair.

Rule 6.2. Appointment and Removal of Committee Members

The VCBA president shall appoint, and the VCBA Board of Directors shall confirm, as members of the committee, and as chair and vice chair of the committee, lawyers of high repute and professional standing who are willing to make the time commitment essential for quality evaluations. Members shall be appointed for four-year terms. Assignment of members to serve as chair and vice chair shall be for two-year terms. Upon completion of a term of office, a member shall be eligible for reappointment at the discretion of the president and the Board of Directors, who shall take into consideration in their decision the member's willingness to serve another term and the availability of other persons to serve on the committee.

The Board of Directors shall have discretion to fix the end of the term of any committee member who has served on the committee continuously for more than four years at the time these rules are adopted.

The chair may recommend to the Board of Directors the dismissal of any member for cause, including but not limited to failure to participate adequately in the work of the committee. The Board of Directors may dismiss a member for cause. If a member is dismissed, a new member shall be appointed to serve out his/her term.

Rule 6.3. Member's Agreement

Each committee member shall sign and submit the Agreement in the form of Exhibit I to the chair, who shall forward it to the VCBA Executive Director. The Executive Director shall retain the Agreement indefinitely.

Rule 7. Severability

If any provision of these rules or the application of any such provision to any person or circumstances shall be held invalid, the remainder of these rules to the extent that they can be given effect, or the application of such provision to persons or circumstances other than those as to which they are held invalid, shall not be affected thereby, and to this extent the provisions of these rules are severable.

EXHIBIT A

**VENTURA COUNTY BAR ASSOCIATION
JUDICIAL EVALUATIONS COMMITTEE**

LETTER TO CANDIDATE RE PERSONAL DATA QUESTIONNAIRE

[Date]

PERSONAL AND CONFIDENTIAL

[Candidate's Name]
[Candidate's Address]

Re: Judicial Evaluation

Dear _____:

It has come to the attention of the Ventura County Bar Association Judicial Evaluations Committee that you are running in an election for or are seeking appointment by the Governor to the Ventura Superior Court [or the California Court of Appeal] [or the California Supreme Court]. The committee evaluates all candidates for Ventura Superior Court judgeships and all candidates from Ventura County for California appellate court judgeships. This evaluation is separate from the evaluation conducted by the State Bar of California Judicial Nominees Evaluation Commission. The committee is comprised of a cross-section of lawyers from the Ventura County legal community.

An investigating committee consisting of three members of the full committee has been appointed to investigate your qualifications for office. The investigating committee will contact judges, lawyers, and others who potentially have knowledge about your professional qualifications.

After the investigating committee completes its investigation, the committee will interview you. Before your interview, you will receive written information about any negative comments, which you may want to address during your interview.

After the interview, the committee will rate you—Exceptionally Well Qualified, Well Qualified, Qualified, or Not Qualified—for the office you are seeking. You will be notified in writing of the rating. Ratings of candidates for appointment are reported to the Governor. Ratings of candidates in a judicial election are reported to the VCBA Board of Directors and are released to the public.

The committee's rules, which contain a detailed description of the evaluation process, are available on the VCBA web site, www.vcba.org. I strongly urge you to review the rules, particularly those entitling you to request disqualification of a committee member if you believe a conflict of interest exists. You must notify me of such conflict within seven days of the date of this letter if you believe a conflict exists. Otherwise, you waive your right to disqualify a member. Enclosed is a list of individuals serving on the committee at this time and a list of the members of the investigating committee.

The names of persons giving information critical of you will not be revealed to you. A comprehensive effort will be made to verify critical information received, and you will be given, at the time of the committee interview, a full opportunity to respond.

[Include the following paragraph only for a candidate for whom a Personal Data Questionnaire has not been received from the Governor's office.]

Also enclosed is a blank Personal Data Questionnaire. Please complete the questionnaire and return it to me no later than [date]. The absence of a completed Personal Data Questionnaire will not prevent the committee from evaluating

you with whatever information it is able to obtain. Failure to complete and return the Personal Data Questionnaire will be considered by the committee in its evaluation.

Please send me a writing sample or samples, which should not exceed 25 pages unless it is an appellate brief or judicial opinion.

The committee sends Confidential Comment Forms to judges and attorneys, active and retired, likely to be acquainted with your qualifications and may follow up those forms with telephone calls. For that purpose, please send the investigating committee chair an alphabetical list of the names and current addresses *on gummed mailing labels* of 50 to 75 lawyers and judges, active and retired, who know you on a professional basis and who can evaluate your legal skills and knowledge. (Please also provide a copy of the mailing labels to the investigating committee chair along with email addresses and phone numbers, if known.) This list should include all counsel and judges listed in your Personal Data Questionnaire and opposing counsel or counsel with whom you have worked in the past five years. If you are a sitting judge or commissioner, this list should also include attorneys who have appeared before you frequently or on lengthy matters in the past five years.

We fully understand the importance of your candidacy. We are confident that you understand the committee's sincere wish to discharge its obligations responsibly.

If you have any questions about the committee's procedures, please feel free to call me at _____.

Very truly yours,

Chair
Judicial Evaluations Committee

Enclosure(s):

List of committee members and investigating committee members

Blank Personal Data Questionnaire (for candidates who have not applied for appointment by the Governor)

EXHIBIT B

**VENTURA COUNTY BAR ASSOCIATION
JUDICIAL EVALUATIONS COMMITTEE**

CONFIDENTIAL COMMENT FORM

Name of Candidate _____ for _____ Court

Relationship with Candidate: Professional () Social () Reputation Only () Family () Unknown ()
Please explain: _____

Evaluation Based on: Worked with () Opposed () Other () Last Date of Professional Contact _____

INSTRUCTIONS: Circle the letter of the performance level most applicable for the quality or attribute being rated:

- A Outstanding C Satisfactory F Unsatisfactory
B Very Good D Below Average Unk Unknown

PROFESSIONAL ABILITY A B C D F Unk
(Includes intellectual capacity, research skills, written and oral expression, thoroughness, initiative)

Comments: _____

PROFESSIONAL EXPERIENCE A B C D F Unk
(Includes civil and criminal trial experience, length of practice, case complexity)

Comments: _____

JUDICIAL TEMPERAMENT A B C D F Unk
(Includes fairness and objectivity, courtesy and patience, ethics and courage, compassion and common sense, adaptability and ability to work under pressure, collegiality)

Comments: _____

PROFESSIONAL REPUTATION A B C D F Unk
(Includes honesty and integrity)

Comments: _____

WORK ETHIC/RESOURCE MANAGEMENT A B C D F Unk
(Includes diligence, dedication, hours worked, efficient management of resources, timely and efficient disposition of cases/motions and related matters)

Comments: _____

IMPAIRMENT Yes () No ()

Do you know of any impairment that would prevent the candidate from performing the judicial function satisfactorily, e.g., health, substance abuse, etc.? If so, please explain:

BIAS Yes () No ()

Does the candidate exhibit or has the candidate exhibited any bias: race, sex, sexual preference, national origin, disability, social status, religion, political affiliation, etc.?

Comments: _____

OVERALL RATING (check one):

- Exceptionally Well Qualified: Possesses professional ability, professional experience, judicial temperament, professional reputation, and work ethic/resource management of remarkable or extraordinary superiority so that, without real doubt, the candidate is fit to perform the judicial function with distinction.
- Well Qualified: Possesses professional ability, professional experience, judicial temperament, professional reputation, and work ethic/resource management indicative of superior fitness to perform the judicial function with a high degree of skill and effectiveness.
- Qualified: Possesses professional ability, professional experience, judicial temperament, professional reputation, and work ethic/resource management indicative of fitness to perform the judicial function satisfactorily.
- Not Qualified: Lacks one or more of the qualities and attributes of professional ability, professional experience, judicial temperament, professional reputation, and work ethic/resource management indicative of fitness to perform the judicial function satisfactorily.

IF YOU RATE THE CANDIDATE EXCEPTIONALLY WELL QUALIFIED OR NOT QUALIFIED, please list those qualities and attributes of special note that support your rating: _____

YOUR GENERAL COMMENTS (any known character traits, personal habits, or other factors upon which you base your overall rating of the candidate): _____

AUTHORIZATION (check one):

- You are authorized to divulge my identity to the committee.
- You are not authorized to divulge my identity to the committee.

Name (print legibly): _____

Signature: _____

Phone: _____ Date: _____

WHICH CATEGORY DESCRIBES YOUR POSITION? (check one)

- Superior Court Judge
- California Appellate Judge
- Federal Judge
- Commissioner
- Public Defender
- District Attorney
- Other Government Attorney
- Other Public Office
- Private Practice

Mail this form by [date] marked **PERSONAL AND CONFIDENTIAL** to:

[Name and address of investigating committee chair]

EXHIBIT C

**VENTURA COUNTY BAR ASSOCIATION
JUDICIAL EVALUATIONS COMMITTEE**

LETTER TO EVALUATORS

[Date]

PERSONAL AND CONFIDENTIAL

Re: Evaluation of Candidate for Judicial Office

The Ventura County Bar Association Judicial Evaluations Committee evaluates candidates in contested elections for and candidates seeking appointment to Superior Court judgeships in Ventura County and certain California appellate judgeships. *This evaluation is separate from the evaluation conducted by the State Bar of California Judicial Nominees Evaluation Commission.* In contested elections the evaluations are released to the public through the media to inform the electorate about the Bar's views of the candidates' qualifications. The evaluations for those seeking judicial appointment are forwarded to the Governor.

Please help us evaluate the candidate named at the top of the enclosed Confidential Comment Form by completing the form. Your thoughtful assistance will be greatly appreciated.

Please evaluate the candidate as an individual and not as compared with any other candidate for the same or any other office. The names of persons supplying information will not be revealed to the candidate and will not be revealed even to the committee unless authorized.

Your comments and observations written in the blank spaces on the form would be especially helpful. Please check one of the blanks on the back of the form concerning whether your name may be revealed to the committee.

If you wish to expand on your comments, please call me at _____. I urge you to call if you are well acquainted with the candidate professionally or if you have particularly positive or negative comments.

Please return the form to me within 10 days at the address listed at the bottom of the form, marked **PERSONAL AND CONFIDENTIAL**, and NOT to the Bar Association. Thank you in advance for your help.

Very truly yours,

Chair, Investigating Committee
Judicial Evaluations Committee

EXHIBIT D

**VENTURA COUNTY BAR ASSOCIATION
JUDICIAL EVALUATIONS COMMITTEE**

CONTACT RECORD

In Person By Telephone Observation of Candidate Date _____

Candidate: _____

Reference's Name: _____

Reference's Phone Number: _____

Reference's Office/Type of Practice: _____ Years: _____

Relationship to Candidate: _____

Date/Nature of Last Professional Contact: _____

Positive Comments: _____

Negative Comments: _____

Other Persons Who May Have Information: _____

Overall Rating: _____

Investigating Committee Member: _____

EXHIBIT E

**VENTURA COUNTY BAR ASSOCIATION
JUDICIAL EVALUATIONS COMMITTEE**

CONFIDENTIAL COMMENT FORM SUMMARY

Candidate: _____ Office: _____ Date: _____

INSTRUCTIONS: Please fill in each blank, indicating the total number of responses received for each category. Use one summary sheet per candidate.

No. of forms mailed: _____
 No. of forms returned: _____
 No. of follow-up contacts of persons who returned forms : _____
 No. of follow-up contacts of persons who did not return forms: _____

Category	Total Number of Responses Received (from forms)					
	A	B	C	D	F	Unk
Professional Ability	_____	_____	_____	_____	_____	_____
Professional Experience	_____	_____	_____	_____	_____	_____
Judicial Temperament	_____	_____	_____	_____	_____	_____
Professional Reputation	_____	_____	_____	_____	_____	_____
Work Ethic/Resource Management	_____	_____	_____	_____	_____	_____
	Yes	No				
Impairment?	_____	_____				
Bias?	_____	_____				
Overall Rating (from forms and follow-up contacts):	Exceptionally Well Qualified				_____	
	Well Qualified				_____	
	Qualified				_____	
	Not Qualified				_____	
Types of Respondents:	Superior Court Judge				_____	
	California Appellate Judge				_____	
	Federal Judge				_____	
	Commissioner				_____	
	Public Defender				_____	
	District Attorney				_____	
	Other Government Attorney				_____	
	Other Public Office				_____	
	Private Practice				_____	

Summary of Comments Received:

EXHIBIT F

**VENTURA COUNTY BAR ASSOCIATION
JUDICIAL EVALUATIONS COMMITTEE**

LETTER TO CANDIDATE RE INTERVIEW

[Date]

PERSONAL AND CONFIDENTIAL

[Candidate's Name]
[Candidate's Address]

Re: VCBA Judicial Evaluations Committee Interview

Dear _____,

This letter is to confirm that your interview with the Judicial Evaluations Committee is scheduled for approximately one hour on [date and time] at [location]. We recommend that you review the committee's rules, which are available on the VCBA website, www.vcba.org.

Please feel free to contact me at _____ if you have any questions. Otherwise, we look forward to meeting you at the interview.

Very truly yours,

Chair
Judicial Evaluations Committee

cc: JEC members

EXHIBIT G

**VENTURA COUNTY BAR ASSOCIATION
JUDICIAL EVALUATIONS COMMITTEE**

LETTER TO CANDIDATE RE NEGATIVE INFORMATION

[Date]

PERSONAL AND CONFIDENTIAL

[Candidate's Name]
[Candidate's Address]

Re: VCBA Judicial Evaluations Committee Interview

Dear _____,

In accordance with the Rules of the Ventura County Bar Association Judicial Evaluations Committee, we provide the following negative information received in the course of our investigation of your qualifications for judicial office:

Our purpose in providing this information is to afford you an opportunity to respond to it during your interview on [date]. If you bring supporting documentation, please bring 13 copies.

Very truly yours,

Chair
Judicial Evaluations Committee

cc: JEC members

EXHIBIT H

**VENTURA COUNTY BAR ASSOCIATION
JUDICIAL EVALUATIONS COMMITTEE**

RATING LETTER

[Date]

PERSONAL AND CONFIDENTIAL

[Candidate's Name]
[Candidate's Address]

Re: Judicial Evaluation

Dear _____,

The Ventura County Bar Association Judicial Evaluations Committee has rated you as [Exceptionally] [Well] [Not] Qualified for the office of Superior Court Judge [or California Court of Appeal Justice] [or California Supreme Court Justice].

In contested judicial elections, the committee will disclose this rating to the VCBA Board of Directors and the public. In cases of candidates seeking judicial appointment, the committee will send this rating to the Governor. You are free to disclose the contents of this letter if you desire.

Thank you for participating in our evaluation.

Very truly yours,

Chair
Judicial Evaluations Committee

EXHIBIT I

**VENTURA COUNTY BAR ASSOCIATION
JUDICIAL EVALUATIONS COMMITTEE**

AGREEMENT

I hereby accept appointment to the Ventura County Bar Association Judicial Evaluations Committee and agree to comply with each of the following conditions:

1. I agree not to be a candidate for election or appointment to the Ventura Superior Court, the California Court of Appeal, or the California Supreme Court during the period of my membership on the committee.
2. I have reviewed the rules of the committee, including the conflict of interest rules, and agree to comply with them.
3. I agree to perform my duties as a member of the committee in accordance with the bylaws of the VCBA and the rules of the committee.
4. I agree not to make public or release to any person any information regarding the work of the committee, except as set forth in the rules of the committee.
5. I understand the substantial time commitment involved in serving on the committee.

EXECUTED this ____ day of _____ 20__.

Signature

Print Name