

## Chapter 3

# ***The Organizational Meeting***



The organizational meeting is the proper place to discuss ethical guidelines<sup>1</sup>. Experienced commissioners can recall ethical dilemmas from past commission activities and suggest ways to handle these problems in the future. New commissioners should be informed of possible ethical problems and encouraged to participate in a discussion of these complex issues. Where ethical guidelines are suggested in this chapter, commissions should adopt them as formal rules.

Although we are seeing more required organizational meetings in nominating commission rules<sup>2</sup>, some commissioners still express frustration with the unstructured decision making within their commissions. By holding a preliminary organizational meeting, commissions can address many of their problems and concerns before beginning their work to fill a vacancy. The organizational meeting acts as a forum for establishing commission goals, assigning responsibilities and arranging time schedules. An effective organizational meeting will include a discussion of the commission's responsibilities, procedures and ethical considerations, and criteria for evaluating judicial candidates. Consequently, this chapter provides a brief overview of the selection process and related chapters in this handbook.

An agenda, set in advance by the commission chair, will help to assure an efficiently run meeting. The chair should provide notice of the meeting and its agenda to both the commissioners and the public. Many states require public commissions to meet in formally noticed open meetings. Commissions should be mindful of local and state open-meeting laws.

AJS recommends that the organizational meeting be open to the public. Since they are replacing the voters, commissioners should be keenly aware of their representative capacity, and make their role and procedures transparent to the applicants and the public. By opening this meeting, commissions will gain an awareness of the public perspective, increase the public's confidence in the selection system, and encourage a good working relationship with the media. Good media relations will increase public awareness of the selection process. In addition, the commission will become more aware of public concerns about particular issues raised either by the press or those who previously experienced the process as applicants. Although many commissions are required to convene in executive session for all deliberations once the application procedure has begun, most states do not explicitly require a closed organizational meeting.

Once the time, date and place of the organizational meeting have been determined, a public notice can be sent to interested parties and group representatives, who can be encouraged to attend and to submit written testimony concerning issues and procedures.

## **Purposes of the Meeting**

The organizational meeting serves a variety of functions. First, the meeting can educate commissioners about their procedural and ethical responsibilities in the selection process. Commissioners should be aware at all times that they represent the public in the selection of important government officials, and that each

brings a valuable and unique viewpoint that must be respected. Second, commissioners can learn more about the specific needs of the court whose vacancy they must fill. Third, the meeting can promote uniform judicial selection procedures to commissioners, and disseminate them to applicants and the public. Fourth, background information on the commission and its role can be provided for each commission member and may prove especially helpful as an orientation for new commissioners. Finally, the organizational meeting can be used to anticipate and address problems that may arise during the selection process.

**Teaching and learning.** As an educational tool, the organizational meeting can advise commissioners of the many-faceted role they play. Commissioners are not only investigators, interviewers and evaluators, but also representatives of the public interest. Commissions are composed of both lawyers and non-lawyers to ensure that the nonlegal community will participate in judicial selection. Nonlawyer members, in fact, make a special contribution by bringing an awareness of broad community concerns and the voice of the public into the judicial nominating process.

Commissioners can also use the open organizational meeting as a way to learn more about the vacancy they will work on. Prior to the meeting, the commissioners could ask for a job description for the vacant position. To add details, judges who sit on that court and attorneys who practice in it can offer valuable insights into the court's workload and docket, and suggest skills and personal qualities that a judge on that bench should possess.

**Uniform procedures.** If the commission does not have written procedural rules, including selection criteria, commissioners should develop and adopt them. The use of uniform rules reassures members of the public and potential applicants that the process is designed to treat all applicants in an even-handed and fair manner, and to identify the best-qualified persons to nominate for the judgeship. AJS recommends that a copy of the rules be included with the questionnaire sent to applicants, and that the rules also be made available to the public—either upon request, through the media, by posting them on a court website, or in a manner best suited to the jurisdiction.

**Educating new commissioners.** The discussion about and review of procedural rules, along with questions raised by any judge or attorney attendee at the meeting, will serve as a fine overview and introduction to new commissioners, and as a refresher for continuing commissioners. At this time, it would also be appropriate for the commission chair to distribute to new commissioners copies of the constitutional or statutory provisions, or the governor's executive order, that govern the commission.

**Looking ahead.** The organizational meeting can anticipate future questions and concerns, and, if necessary, act as a forum for reviewing past problems and engaging in rulemaking. By adopting specific rules on a variety of topics, commissions can avoid many hours of debate over procedures while in the midst of the selection process. A commission that has existing rules can use the meeting to alter and adapt their rules as the need arises. Common problems that can be avoided by adopting rules include:

- inappropriate communications between and among commissioners, or with applicants or other parties outside the commission,
- debates over voting procedures,
- questions of confidentiality in the proceedings,
- confusion about how to handle lobbying efforts on behalf of or in opposition to some applicants,
- the use of inappropriate interview questions,
- inefficient use of time,
- giving inconsistent or incorrect information to the public, applicants and the media, and
- pitfalls in post-nomination communications with the appointing authority.

Detailed rules should define and structure the commission's activities, and "have the salutary effect of ensuring a more ordered consideration of each applicant, while minimizing the possibility that commissioners will be guided by vague standards and improper influences."<sup>3</sup> Once the rules are promulgated, a copy should be forwarded to each judicial applicant and made available to the public. By publicizing its procedures, the commission will help clarify and promote better understanding of its duties and responsibilities.

## **Role of the Chair**

The commission chair can play an important role as spokesperson for the commission. A chair or other designated commissioner (or, possibly, a staff person) can act as a public liaison, speaking for the entire commission concerning its activities. By having one designated person speak for it, a commission may be able to avoid problems of leaks and inconsistently disseminated information.

In addition, the commission may ask the chair to publish notice of the vacancy and coordinate the commission's ongoing activities. When coordinating ongoing activities, the chair may want to appoint a secretary to record discussions and decisions occurring in commission meetings. The secretary also may be a volunteer, or the commission could elect one of its members to this post.

Prior to the organizational meeting, and after consulting with other commission members, the chair could invite various court personnel to attend the meeting. Judges, as well as public and private attorneys, can discuss the business and needs of the court. These speakers can comment on the case composition the court handles, duties and responsibilities that the judicial position requires, and operating procedures of the court. These courtroom actors can give the commission additional insight into the professional skills and personal qualities necessary to serve as a judge in a particular court.

Again after consulting with the other commissioners, the chair may also wish to invite groups and organizations to suggest names of qualified applicants. These groups, representing business, labor, women, minorities and other special interests, can be invited by a press release. The press release might mention that the groups are invited to submit written statements and that time will be provided for limited public discussion. Any interested group could then attend the organizational meeting, raise questions and comment on commission procedures.

Finally, one of the key responsibilities of the chair is to monitor commission activities and ensure that commissioners and applicants abide by commission rules. The chair also can help ensure that all applicants, interviewees and nominees are treated fairly and consistently by, for example, doing his or her best to see that all applicants receive the same procedural information about the commission process, intervening if inappropriate or illegal questions are asked during an interview, and giving final nominees timely notice of their status.

## **General Topics for Discussion**

Listed below are some issues that commissioners will find it useful to discuss at their organizational meeting.

**Legal Obligations.** As noted above, commissioners will find it helpful to review the commission's controlling provisions that provide the basis of their legal authority. These provisions may take the form of executive order, constitutional provision, statute or supreme court rule<sup>4</sup>. A brief discussion of the provisions, as part of the organizational meeting, will ensure commissioner awareness of legal obligations. Such a discussion will also provide necessary background for any

rulemaking the commission may undertake. By outlining the commission's scope of authority, each commissioner will learn how rulemaking can augment the various responsibilities of the commission.

**Establishing Procedures.** Each commission will wish to tailor its rules to its own particular needs and concerns. However, some common concerns which should be considered by every commission and addressed by rules include:

- *Ethical considerations.* As a first step in the rulemaking process, the commission will find it helpful to establish ethical guidelines for its members, and many commissions have done so. Issues of independence from commission appointing authorities, preservation of public trust and confidence in the process, and confidentiality and conflict of interest are often nebulous concepts to which commissioners can be sensitized. Chapter 1 highlights some key ethical issues.
- *Setting a timetable.* Commissioners should establish a timetable for every stage of the selection process. Since commissions operate under legislative time constraints, a timetable will ensure that commissioners efficiently use the limited time available. Timetables may need to be adjusted according to the number of applicants anticipated, allowing more time for commissioners when a large number of questionnaires are likely to be submitted.
- *Public participation.* A commission should determine how to handle efforts by members of the public to influence the commission's work. Letters, telephone calls, invitations and inquiries concerning individual applicants may all be anticipated; a uniform policy on how to respond to these can avoid appearances of impropriety.
- *Maintaining records.* Many commissioners have found the lack of any systematic record keeping a source of frustration. Commissions may find it helpful to maintain a systematic file for use by each commission member. If not defined by statute or executive order, commissioners should discuss which records should be part of a central file system, how those records will be filed, whether copies should be distributed to any or all commission members, and under what circumstances records will be confidential. By establishing a comprehensive file system, a commission will be able to organize the otherwise insurmountable amount of paper work involved in judicial selection. See Chapter 2 for additional information on privacy and confidentiality of records.
- *Recruiting procedures.* The process of notifying the public of the vacancy as well as recruiting candidates can be simplified by defining various recruitment procedures. These procedures may include compiling a master list of

places to advertise the vacancy as well as sources from which potential applicants may be recruited. A detailed discussion of recruiting issues can be found in Chapter 4.

- *Evaluative criteria.* Determining criteria to be used in the evaluation of the applicants will be a necessary preliminary step in the selection process. Before any recruiting can begin, commissioners must be aware of the minimum legal qualifications for the vacancy, the qualities they are looking for and ways to measure those qualities. Although formal adoption of specific criteria may not be necessary, an informal discussion of and agreement on suggested criteria will prove invaluable. Chapter 5 provides definitions of suggested criteria and ways to measure them.
- *Investigative methods.* Individual and organizational responsibilities should be defined in advance to ensure a uniform and efficient investigation of the applicants. In addition, methods for investigation and a standard set of investigative questions will prove helpful and should be determined during the organizational meeting. Suggested investigative methods can be found in Chapter 6.
- *Interviewing procedures.* The commission rules should establish a maximum length of time for an interview. In addition, as part of the organizational meeting's general discussion, interview questions may be determined prior to the interviews. In this way, applicants will be interviewed fairly, under similar conditions and in a structured environment. Interviewing issues and suggested techniques are highlighted in Chapter 7.
- *Voting procedures.* Voting can be complex, confusing and subject to manipulation. Since the voting procedure may affect the outcome, it should be clear, fair and determined in advance. Establishing a voting rule will allow those final days prior to selection to be concerned with choosing nominees rather than choosing a voting procedure. Voting is discussed in detail in Chapter 8.

## **The Applicant Questionnaire**

Perhaps the most crucial aspect of the organizational meeting will be a discussion of the applicant questionnaire (see Appendix A for a sample). The questionnaire solicits basic information about each applicant's qualifications for the judicial vacancy and acts as the basis for later investigative efforts by the commission. A job-related and thorough questionnaire can simplify and expedite the selection process.

**Contents.** Information obtained during the organizational meeting can be used to prepare or refine an applicant questionnaire. Commissioners will also find it helpful to refer to their evaluative criteria (see Chapter 5 for suggested criteria and measures) when preparing or revising questionnaires. The commission should consider the thoroughness of the existing questionnaire prior to the filling of each vacancy. In general, each commissioner should ask whether the questionnaire provides enough information to enable an intelligent screening process to take place. Commissioners may want to incorporate in the questionnaire suggestions from various group representatives and judges and attorneys who attended the organizational meeting. Finally, commissioners may wish to tailor certain questions to the particular vacancy to be filled. A trial court vacancy's questionnaire, for example, will include questions about the applicant's litigation, mediation, negotiation and other relevant experience.

Commissioners' regular review of the applicant questionnaire, keeping in mind the requirements of the judicial position and the evaluative criteria, ensures that the questionnaire is designed to elicit relevant information to assist the commissioners' investigation, interviewing and decision making. Such review also allows commissioners to add pertinent questions, delete those that are not useful, and clarify ambiguities.

**Administrative concerns.** Since equipment and staff for reproducing completed questionnaires may not be available to every commission, some have established rules requiring every applicant to supply enough copies for each commissioner, and attaching such instructions to each questionnaire. Although some supplementary materials, such as published articles or handouts prepared for continuing legal education presentations, may be costly to reproduce, many commissioners have found the distribution of all materials extremely helpful. If a commission finds through experience that the supplementary materials submitted are too burdensome, it may wish to impose a page limit on these additional materials or permit their submission on CD-ROM or diskette. Other suggested restrictions include categorizing materials and limiting applicants to only one writing sample per category or to a predetermined number of works. A supplemental bibliography could also accompany the materials.

## **Establishing a Schedule for Future Meetings**

The last item on the organizational meeting agenda should be establishing a meeting schedule. Dates and times for meetings to review applications, interview the candidates and select final nominees should be determined at this time. Each commissioner will then have the opportunity to comment on the schedule and to plan ahead.

## **Ethical Considerations**

The initial organizational meeting is the proper place to discuss ethical standards and guidelines. Experienced commissioners can recall ethical dilemmas from past commission activities and suggest ways to handle these problems in the future. New commissioners should be informed of possible ethical problems and encouraged to participate in a discussion of these complex issues. This general discussion could touch upon the following basic concerns:

- disclosure of individual commissioner communications with the appointing authority, applicants, fellow commissioners, the media and others,
- criteria for disqualification of commissioners at various stages in the selection process,
- the appearance of impropriety, including apparent commissioner bias, and
- the confidentiality of various documents and proceedings.

The discussion will enhance commissioner awareness of the public's perception of its activities. A sensitivity to the public and to the appearance of impropriety should be present throughout the selection process.

Where ethical guidelines are suggested, commissions may wish to adopt them as formal rules. These rules would establish minimum standards for commissioner behavior in addition to providing aspirational goals. Many commissions, however, have not adopted specific ethical rules. For an example of one state's ethics provision, see page 5 in Chapter 1.

## **Conclusion**

The importance of an organizational meeting as a forum for discussion cannot be overemphasized. The meeting provides an opportunity to establish procedures and allows for public participation in the judicial selection process. Clearly, it is the organizational meeting that structures the search for and selection of those most qualified to serve on the bench.

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- 1 The discussion in this chapter assumes a face-to-face organizational meeting. However, we recognize that in some instances this may not be feasible. For example, considerations such as the time and cost involved in bringing commissioners together, a relatively short time frame in which to fill a judicial vacancy, lack of turnover of commission members since the last vacancy was filled, etc., may militate against an in-person meeting. However, commissioners should convene at least a conference-call meeting to discuss any problems that arose when working on the last vacancy, review their rules and procedures, and work out logistical issues for the current vacancy.
  - 2 E.g., Florida, Missouri.
  - 3 Allan Ashman and James J. Alfini, *The Key to Judicial Merit Selection: The Nominating Process* 229 (Chicago: American Judicature Society, 1974).
  - 4 See Table 1: Characteristics of Merit Selection Plans, *Judicial Merit Selection: Current Status*, (Chicago: American Judicature Society, 2003).

## APPENDIX TO CHAPTER 3

A. Sample Applicant Questionnaire

B. Sample Instructional Sheet to Accompany Questionnaire

C. Sample Certifications and Waivers

## A. Sample Applicant Questionnaire

**Ed. Note:** *The following questionnaire is admittedly long, but is offered for whatever assistance it will give commissions in reviewing their own questionnaires. It is a composite derived from applications used by several commissions. Most commissions now include an instruction sheet that specifies the submission deadline, the required number of copies, the address to which the application must be sent, a statement specifying which parts of the application are public and which are confidential, and a waiver allowing the commission to gather information from various sources, including attorney and judicial discipline organizations, credit bureaus, law enforcement agencies, educational institutions, bar associations, licensing boards, and employers. A number of commissions also make their application forms available on a website and/or on a computer disk. Some commissions also include in the application packet the commission's procedural rules, a position description for the judicial vacancy, the timetable the commission will follow in filling the vacancy, and the jurisdiction's Code of Judicial Conduct.*

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**Application for nomination to the \_\_\_\_\_ Court.**

**Date \_\_\_\_\_**

### I. General

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1. Full name:
2. Office address:
3. Residence address:
4. Birth date and place:
5. List the following:
  - a. Social Security No. \_\_\_\_\_
  - b. Driver's License No. \_\_\_\_\_
  - c. Board of Professional Responsibility No. \_\_\_\_\_

6. Marital status:
7. Spouse/domestic partner's full name:
8. Spouse/domestic partner's current employer:
  - a. Company name, address, and phone
  - b. Nature of business
  - c. Title
9. List any prior marriage (if such marriage was terminated by judicial proceedings, furnish copies of final judgments or decrees):
10. If you have a child or children over the age of 18, state name, age, address, present occupation and name and address of the employer of each:
11. Are you physically and mentally able to perform the essential duties of a judge in the court for which you are applying with or without accommodations? Please identify any accommodations you may need to perform the job.
12. How long have you lived continuously in the State of \_\_\_\_\_ ?
13. How long have you lived in the county where you are now living?
14. Have you served in the military (including reserves)? If so provide the dates of service, the branch, the highest rank attained, the type of discharge or release, and any awards or citations.
15. List all places of residence (city and state) and approximate dates, since admission to the bar in any jurisdiction: **Ed. note:** *Commissions should check statutory residency requirements and revise this question as necessary.*
16. Describe major nonlegal business or professional experience, if any. If your association has been discontinued, please note whether there are any unpaid debts or claims pending litigation.

## II. Education

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17. List college(s) and law school(s) attended, dates, and degrees.
18. List any academic distinctions received in law school.
19. List all CLE (or CJE) courses taken during the past five years. **Ed. note:** *In states with mandatory bars, commissions may wish to simply ask if the applicant is in current compliance with continuing education requirements.*
20. List all CLE (or CJE) courses you have taught during the past five years.

## III. Professional Admissions

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21. List all courts, state bars, and administrative bodies having special admission requirements to which you are presently admitted to practice, specifying the dates of admission, whether you are currently a member in good standing, and whether there are any current restrictions on you.

## IV. Legal Experience

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22. Describe chronologically your legal employment since becoming a member of any state bar. Include dates, names and addresses of all law offices, firms, companies or government agencies with which you have ever practiced, the nature of your affiliation with each, the general nature of your practice, and any other relevant particulars. Also, please provide the name, current address and telephone number of a person, preferably your supervisor, who can verify your employment for each position listed below.
23. Describe the general nature of your current practice, including any specialty certifications you possess.
24. Describe your typical clients or former clients and the problems for which they sought your services.
25. a. What percentage of your appearance in courts in the last five years was in:  
Federal district court \_\_\_\_ %  
Federal appellate court \_\_\_\_ %  
State (general jurisdiction) court \_\_\_\_ %; \_\_\_\_ % civil; \_\_\_\_ % criminal

State appellate court \_\_\_\_ %

State (limited/special; specify) court \_\_\_\_ %

Administrative bodies \_\_\_\_ %

b. Frequency of appearance in court in the last five years :

\_\_\_ Regularly \_\_\_ Occasionally \_\_\_ Infrequently \_\_\_ Not at all

c. For each of the past five years, state the number of cases you handled to conclusion:

\_\_\_ in courts of record, indicating whether you were sole, associate or chief counsel;

\_\_\_ through alternative dispute resolution, indicating the ADR method and your role in resolving the dispute.

d. Approximate number of appellate matters handled in the last five years:

\_\_\_\_\_ .

e. Approximate number of arbitrations or administrative hearings you conducted in the last five years \_\_\_\_\_. Briefly describe type of matters heard.

26. List and describe the five most significant cases which you personally litigated, giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried, and the names of other attorneys involved.
27. Describe any additional arbitration, mediation or other alternative dispute resolution experience that you would like to bring to the attention of the commission.
28. Attach one example of a brief, memorandum of law, or legal opinion or similar example of legal writing prepared solely by you within the last five years (10-20 pages; 15-25 pages for appellate positions). If you do not have a good sample of this length, include an excerpt from a longer writing. Please do not submit longer writing samples, or co-authored writing samples. Make sure the sample contains sufficient facts to make it understandable.
29. Describe any pro bono work you have undertaken in the past five years.
30. List legal publications, if any (give title, subject, and name and date of publications).

## **V. Finances and Business Involvement**

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31. Please estimate your total income for each of the three years immediately preceding the date of this application (adjusted gross income as defined on your 1040 tax form, but not including income attributable to a spouse or other person). For each year state the percent of total income derived from the practice of law.
32. Are you a director, officer, or stockholder of any business or corporation? Would you sever these connections if you are appointed a judge?
33. Are you a member of any partnership or joint venture? Would you sever these connections if you are appointed a judge?
34. Do you have any other business association or relationship of any kind that would not be severed if you are appointed a judge?
35. If you are now an officer or director of any business organization(s) or otherwise engaged in the management of any business enterprise, give the details, including the name of the enterprise, the nature of the business, the title of your position, the nature of your duties and the term of your service. If it is not your intention to resign such positions and give up any other participation in the management of any of the foregoing enterprises, state your reasons.
36. Have you ever filed for bankruptcy or had bankruptcy proceedings initiated against you? If so, please explain.
37. Do you presently have any noncurrent unpaid tax obligations? If so, please explain.
38. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? In particular, have you been the subject of any proceeding, criminal or civil, initiated against you by the Internal Revenue Service or a state department of revenue? If so, give particulars, including case numbers.

## **VI. Professional and Civic Activities**

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39. List all bar associations and professional societies of which you are a member, and give the titles and dates of any office which you may have held in such groups and committees to which you belong(ed).

40. For the last ten years, list, in a fully identifiable fashion, all civic, charitable, sports-related or cultural organizations of which you have been a member, including the titles and dates of any offices which you have held and the activities in which you have been or are engaged in each such organization.
41. Do you now or have you ever belonged to any organization that discriminates on the basis of race, sex, sexual orientation, disability, ancestry or religion through either formal membership requirements or the practical implementation of membership policies? If so, state the organization and dates of membership.

## **VII. Supplemental Information**

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42. Have you ever been sued by a client? If so, give particulars, including case numbers.
43. Have you ever been a party in any other legal proceeding? If so, give the particulars. Include all legal proceedings in which you were a party in interest, including divorce proceedings; a material witness; a named co-conspirator or co-respondent; and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness. Do not list proceedings in which you were sued only in a representative capacity (e.g., guardian ad litem).
44. Have you ever been the subject of an order or other discipline imposed by a professional disciplinary body, or found in contempt? Explain. To your knowledge, have any formal complaints (including fee disputes), charges or grievances been brought against you (not disclosed in response to questions 42 and 43)? In each case state in detail the circumstances and the outcome. Please include complaints, even if they were dismissed or not accepted for filing.
45. Do you have a professional, business, consanguineous or personal relationship with any member of the Judicial Nominating Commission to whom you are submitting this application? If so, provide dates and a description of this relationship.
46. Have you received notice of public charges, a cautionary letter, private admonition, or other confidential sanction from the [state judicial discipline agency]? In each case, state in detail the circumstances and the outcome.

## VIII. Prior Judicial Experience or Public Office

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47. Have you ever held judicial office or been a candidate for judicial office? If so, state the courts involved, the dates of service, or dates of candidacy.
48. Have you ever held or been a candidate for any other public office? If so, state the office, location, and dates of service or candidacy. If you currently hold such office, would you be willing to resign from this position?
49. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission, and state whether you were (a) nominated by the commission; and (b) appointed by the governor.

## IX. References

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**Applicants should not use the name of a member of the nominating commission as a reference.**

50. List the names, addresses, and phone numbers of two persons whom the nominating commission may contact who can discuss your general character and background.
51. List the names, addresses, and phone numbers of three other persons whom the nominating commission may contact who can discuss your professional competence and qualifications for a judicial position.
52. List the names, addresses and phone numbers of attorneys involved in your three most recent cases that were resolved, either at trial or through ADR, in which you did significant work. List only those cases that were resolved in the past three years. Please include the judges' names and the case names and numbers.
53. Applicants who are currently judges should list the three most recent trials over which they presided, or cases over which they presided that did not go to trial, but in which they did significant work. Please include the case names and numbers, and the names of attorneys who were involved.

**Ed. Note:** *Listed below are some essay questions culled from a number of applications. They are provided for your information and possible use if you would find them helpful. These questions could also be used as general interview questions.*

1. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law. **(300 words or less)**
2. Write your assessment of the greatest strength of the court to which you are applying, and describe the skills and personal qualities you possess that would enhance the court if you are appointed. **(300 words or less)**
3. Give your assessment of the greatest challenge facing the court to which you are applying, and describe how you would help address that challenge if you are appointed. **(300 words or less)**
4. State your perception of the primary duties, responsibilities, characteristics and qualifications of the judicial position you seek. **(300 words or less)**
5. How much of your current level of community involvement do you feel that you could continue if you are appointed to this judicial position? **(300 words or less)**
6. What do you perceive as a judge's role in improving the public's respect for the judicial system? **(300 words or less)**
7. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the commission in evaluating and understanding your candidacy for this judicial position. **(300 words or less)**



**B. Sample Instructional Sheet to Accompany  
Questionnaire (Alaska)**



# alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046  
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR  
William T. Cotton

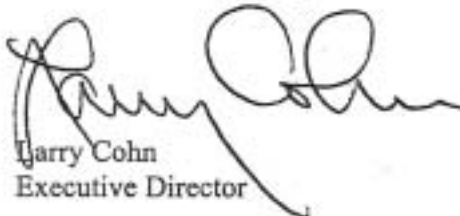
NON-ATTORNEY MEMBERS  
Eleanor Andrews  
Katie Hurley  
Gigi Pitcher

ATTORNEY MEMBERS  
Geoffrey G. Currell  
Robert B. Groselose  
Robert H. Wegstall

CHAIR, EX OFFICIO  
Dana Fols  
Chief Justice  
Supreme Court

## Application for Judicial Appointment Application Instructions

1. This application must be completed in full to be considered by the Judicial Council.
2. Please use the space provided to answer each question. If the space provided is insufficient, complete the answer on an appropriately numbered sheet or sheets attached to this form.
3. This application constitutes a public record within the meaning of AS 09.25.110 and AS 39.25.080. All information, except that specifically denoted as confidential herein (Section II), is available for public inspection. Candidates' completed applications, including the confidential portion, are forwarded to the Governor upon nomination by the Council.
4. The Judicial Council asks that each applicant review the Code of Judicial Conduct (Alaska Rules of Court). Please note that Ethics Opinion 85-1 of the Alaska Bar Association provides that the proscription of Canon 5 (formerly 7) of the Code of Judicial Conduct specifically applies to candidates for appointment to judicial office under Alaska's merit selection plan.
5. Attached to this application is a summary of the procedures and time frames the Council uses during a judicial vacancy.
6. **Eleven** unbound copies (original plus 10 two-sided copies) of your completed questionnaire, including Appendix A (writing sample) must be received at the offices of the Alaska Judicial Council, 1029 West Third Avenue, Suite 201, Anchorage, Alaska 99501-1969, by 3:00 p.m. on Tuesday, July 9, 2002.
7. **Eleven** copies of a 2" x 2" photo of yourself must be submitted with your application.

  
Harry Cohn  
Executive Director

## **C. Sample Certifications and Waivers**

1. Alaska
2. Florida
3. Massachusetts

CERTIFICATION AND WAIVER

I hereby certify that, to the best of my knowledge, the information provided on this application is true and complete; and that I am a citizen of the United States and of the State, and am licensed to practice law in Alaska (Ak. Const. Art. IV; §4).

I waive any privilege of confidentiality I may have with respect to information concerning my qualifications for judicial office that the Judicial Council may desire to obtain. I specifically authorize the Council to obtain and examine my personnel files from current and past employers, including all files maintained by the Alaska Court System, and to obtain information, records and documents regarding me from any credit reporting agency, any law enforcement agency, any bar association, any occupational licensing board, any educational institution, and any disciplinary body, including specifically the Alaska Bar Association and the Alaska Judicial Conduct Commission. I further authorize these institutions, organizations, and individuals, and any other institutions, organizations and individuals to make available to the Council all confidential and non-confidential documents, records and information concerning me that the Council may request.

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 Signature of Applicant

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 Typed Name

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 Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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 Notary Public, State of Alaska

My Commission expires: \_\_\_\_\_

## CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(q)(2), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

*Pursuant to Section 119.07(k)1, F.S., . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.*

**CERTIFICATION AND WAIVER**

I hereby swear or affirm under penalties of perjury that the information provided within my application is true and complete to the best of my knowledge and belief; and that I am a citizen of the United States and of the Commonwealth of Massachusetts, and I am licensed to practice law in Massachusetts.

I waive any privilege of confidentiality I may have with respect to information concerning my qualifications for judicial office that the Judicial Commission may desire to obtain. I specifically authorize the Commission to obtain and examine my personnel files from current and past employers, including all files maintained by the Massachusetts Court System, and to obtain information, records and documents regarding me from any credit reporting agency, any law enforcement agency, any bar association, any occupational licensing board, any educational institution, and any disciplinary body, including specifically the Board of Bar Overseers. I further authorize these institutions, organizations, and individuals, and any other institutions, organizations and individuals to make available to the Commission all confidential and non-confidential documents, records and information concerning me that the Commission may request.

I understand the submission of this application expresses my willingness to accept appointment to the judiciary of the Commonwealth of Massachusetts, if tendered by the Governor, and further, my willingness to abide by the rules of the Judicial Nominating Commission with respect to my application and the Code of Judicial Conduct, if appointed.

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**Date**


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**Signature of Applicant**


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**Type Name**