

**JUDICIAL SCREENING COMMITTEE FOR THE DEMOCRATIC
PARTY IN AND FOR KINGS COUNTY**
Amended January 23, 2012

Committee Rules

- 1) Every member of the Screening Panel must be an enrolled member of the Democratic Party.
- 2) No member of the Screening Panel may be a candidate nor may they be related to any candidate. "Related" shall be defined to include relation by marriage, and shall be limited to relationships that are "first cousin" or closer. Recusal is not sufficient protection. Anyone who is related to any candidate in a given year may not serve at all on the panel.
- 3) Any member of this Committee or any Court Committee, who has a personal, professional, political or other close relationship with a candidate for judicial or other office, shall recuse himself or herself from participating in the investigation of, deliberation and vote on the qualifications of such candidate. Likewise, a member who knows, or has reason to know, that his or her employer, law firm or law partner (or any political action committee formed by the employer, law firm or law partner) has such relationship, shall recuse himself or herself from these processes. Recusal (or disqualification) shall not preclude the member from offering to the Committee factual information or opinions about the candidate in question, provided that the member first discloses to the Committee the fact of, and reasons for, his or her recusal. The member, however, should not otherwise participate in the investigation of, or be present in the Committee room during the interview of, deliberation or vote on the qualifications of such candidate.
- 4) The appropriateness of a member's participation may be raised by any other member, either privately with the Chair or to the members of the Committee present at the meeting. Every effort, however, should be made to raise the question first directly with the member whose participation is being questioned. If necessary, the appropriateness of a member's participation may be decided by the Chair or, in the discretion of the Chair, by a majority of the members of the Committee present at the meeting.
- 5) No member of this Committee or of the investigating subcommittee shall:
 - serve as a member of a committee for the Supreme Court candidate;

- make any financial contribution directly or indirectly to the judicial candidate;
 - actively participate in any campaign for the judicial candidate; or
 - otherwise act on behalf of any judicial candidate for judicial or other office within the jurisdiction of this Committee.
- 6) Each member of the Committee is required to communicate with his or her employer or law firm to advise the employer or law firm that he or she is a member of the Judiciary Committee, and to request that the employer or law firm advise him or her as to when and if:
- the employer or law firm (or any political action committee formed by the employer or law firm) has made any contribution to , or participated actively in the campaign of a candidate for judicial or other office within the jurisdiction of this Committee; and
 - during the year of such notice, the employer or law firm makes any such contribution to or participates actively in the campaign of a candidate for judicial or other office within the jurisdiction of this Committee.
- 7) No panel member shall receive communication concerning the candidates appearing before the panel except as authorized by designated Panel Consulting procedures set forth in these guidelines. Any panel member approached by anyone who attempts to make such communications shall direct such person to contact the Panel Chair and/or assigned Committee Member, and such person will be required to disclose such information to the panel. If any person wishes to contact the panel or a panel member concerning candidates appearing before it, such person shall contact the Chair, who should convey such information to the panel. Each member of the panel shall promptly disclose to the other committee members all communications made by or to him or her which concern the candidates appearing before the panel or its proceedings.
- 8) Panel members serve in their individual capacity and not as representatives of the groups which nominated them.
- 9) The panel shall judge each candidate as either "Qualified" or "Not qualified at this time." Of the Qualified Candidates the Panel shall report out a limited pool of recommended candidates based on the total number of vacancies for that judicial office (i.e., Civil, Supreme). The total pool shall be five (5) individuals per

vacancy for each type of judicial office. For the purposes of determining the size of the pool, incumbent's seats shall be included.

- 10) A quorum shall consist of a least two-thirds (66 2/3 %) of the current members in good standing. A sixty percent (60%) vote of the quorum is required for all decisions, except for the case of incumbent judges. Incumbent Judges seeking re-election to the same office shall be deemed qualified unless seventy-five (75%) of the quorum determines that the Judge should not be reported out as "Recommended." For the purposes of these rules Judges appointed to fill interim vacancies shall be deemed incumbent Judges. If a candidate is found qualified in any year, the candidate to be found qualified in any successive year need only be found qualified by a majority vote of the quorum.
- 11) **Attendance of panel members shall be mandatory, and a member who fails to attend two (2) consecutive meetings without a satisfactory explanation will be dismissed.**
- 12) No minutes of the panel's deliberations shall be kept except to record those who appear before it, those members present at each meeting, and the vote on the qualifications of each candidate.
- 13) **Except for the Report to the Executive Committee of the Democratic Party, all proceedings before the panel and all investigative reports shall be treated as strictly confidential.** Any inquiries concerning such proceedings or reports shall be referred to the Chair of this Committee. In the event that a member violates this provision, the Chair must discharge that member from any further deliberations of the panel.
- 14) A questionnaire and standard resume will be prepared for the use of the panel.
- 15) The panel shall consult with the State Grievance Committee to ascertain any instances of professional misconduct with respect to any candidates appearing before it and with appropriate government agencies and commissions for the same purpose. The panel may also choose to take other actions that it reasonably believes to be necessary to make a fair and appropriate determination of the qualifications of the candidate for the judicial office sought. Such actions may include, but are not limited to personal interviews, examination of professional history and professional conduct, and meetings with members of the bar and public who are familiar with the candidates.
- 16) The report of the panel shall be written, signed by the Chair, and shall name the candidates found to be "Qualified"/ "Not Qualified at this Time" as well as those found "Recommended" for the judicial vacancy or vacancies to be filled.
- 17) In investigating the qualifications of a candidate, the Chair shall appoint a subcommittee of one or more members of the Committee (designating one such

member as the Reporter for the subcommittee) to conduct the necessary investigation, and submit a pre-screening report and recommendation to the Committee. The selection of the sub-committee shall be by lottery. The sub-committee shall conduct a personal interview of the candidate. All pre-screening reports shall be circulated prior to the interview. The confidentiality of the report is paramount. Copies of the report shall be returned to the person or persons who conducted the interview after voting has occurred. In the event the candidate is asked to return for a further interview, the copies of the pre-screening report shall be returned to the person or persons who prepared the pre-screening report and produced at the continuing interview and then returned to the person or persons who prepared the report. After final votes are taken all copies shall be returned to the person or persons who prepared the report. One copy shall be kept by the Chair and one copy shall be kept by the person or persons who prepared the report. All other copies shall be destroyed. Any committee member who distributes a copy of a pre-screening report without the consent of the Committee shall be immediately suspended from the Committee.

18) The Reporter for each subcommittee shall:

- coordinate the evaluation of the candidate and the assignments to subcommittee members
- review the relevant records of this Committee
- ascertain whether the candidate has been the subject of any consideration by any disciplinary body

19) All members of the Committee shall be required to participate in the sub-committee screening process and shall accept, upon request by the Chair, the assignment of screening at least three candidates.

20) In the event that the sub-committee determines that there are particular areas of concern, the candidate will be orally apprised either by the Chair or a designated member of the sub-committee prior to being interviewed by the full Committee. The candidate will be requested to be prepared to address before the full Committee the areas of concern detailed in the written communication. The candidate shall be informed that he or she may bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues. In the event, the candidate desires to provide additional written materials; the candidate must provide 24 copies of such materials to be distributed to the Committee at the interview of the full Committee.

21) All Candidates shall be interviewed by the full Committee. All determinations of the Committee shall be published at the end of the interview and voting process for all candidates seeking the respective offices of Judge of the Civil Court or Justice of the Supreme Court. Voting shall be conducted by secret ballot and

maintained by the Chair in a sealed envelope which shall be opened and counted in the presence of the Committee at the end of the interview process of all candidates for the respective offices of Judge of the Civil Court or Justice of the Supreme Court. By a majority vote, the Committee may chose to delay voting on the applicant until further information is provided or an additional interview is obtained.

- 22) Candidates shall be rated as "Qualified" or "Not Qualified at this Time." If conditions exist to trigger an evaluation as to whether a qualified candidate is deemed to be recommended, such rating will also be provided. In its rating, the Committee shall consider the candidate's possession of such special qualifications as may be necessary or desirable for the performance of the duties of the office for which he or she is being considered.
- 23) The rating "Qualified" shall be reserved for candidates who have affirmatively demonstrated qualifications which are regarded by the Committee to be necessary for the performance of the duties of the office for which they are being considered.
- 24) The Committee shall rate candidates who refuse to cooperate with the Committee and to be interviewed by the Committee, after a reasonable opportunity to do so, as "Not Qualified at this time" and the Committee shall notify those candidates that the Committee has so rated them because of their refusal to cooperate with and to be interviewed by the Committee, and for any other reasons that may warrant that rating as well. Such candidates shall not be entitled to request reconsideration.
- 25) The Committee shall evaluate candidates for judicial office based upon the following criteria:
 - a. Judicial demeanor and temperament
 - b. Judicial scholarship and knowledge of law
 - c. Judicial industriousness and diligence
 - d. Judicial experience
 - e. Judicial integrity
 - f. Judicial fairness
- 26) In the event the applicant is not presently a Judge, the criteria are as follows:
 - a. Demeanor and temperament
 - b. Scholarship and knowledge of law
 - c. Industriousness and diligence
 - d. Experience
 - e. Integrity
 - f. Fairness

- 27) The Screening Committee may, in its discretion, publish explanatory language in any determination finding a candidate "Not Qualified at this time."
- 28) All votes by members of the Committee shall be in person. **No Committee Member may vote by proxy.**
- 29) **All candidates must also appear in person for the full Committee interview.**
Where the candidate cannot appear in person because of extraordinary circumstances, the Committee by a vote of at least 60% of the quorum may permit a candidate to appear by telephonic conference call. This option is not available to those who have never appeared for screening except where the candidate is a sitting Judge and otherwise has mustered the vote of 60% of the quorum.
- 30) At the end of the deliberative process, all applications of the candidates shall be retrieved by the Chair. The Chair shall make arrangements for the destruction of all copies with the exception of one copy or original to be kept in the possession of the Chair. The application shall remain confidential and shall not be disclosed without a vote of the Committee.
- 31) If a candidate who has been found "Not qualified at this time" decides to appeal, the candidate shall notify the Chair in writing within **five** business days of being informed of the Committee's decision, the "appeal notice". The appeal process consists of the following:
- a) The Appellate Panel consists of the Chair, the two (2) sub-committee members, who vetted the candidate and two (2) additional members that shall be chosen through random selection from the members who voted at the full committee interview.
 - b) The appeal shall be heard within two (2) weeks of the candidate's notice of appeal. The candidate shall be informed within **four** business days of the appearance before the panel. The candidate shall then be given an additional two business days to withdraw his/her candidacy unequivocally and with prejudice to avoid publication of the Committee's findings.
 - c) The decision shall be made based solely upon the materials previously supplied and a short statement (not in excess of 300 words), setting forth with specifically how and in what manner the application submitted by the candidate and the

information supplied at the candidate's interview has materially changed since the interview. This statement shall be submitted to the Chair with the appeal notice. New references will not be accepted. Additionally, if in the determination of the appeals panel, the "newly submitted information" was available and could have been supplied at the time the original application was submitted, but was not, such "newly submitted" information will not be considered by the Appeals Panel.

- d) However, if the basis of the appeal is in any part due to a failure of a member of the Committee to adhere to either of rules as set forth in the **Kings County Democratic County Committee Report on Judicial Selection Procedures as Amended on December 14,2011** or **the Rules of the Judicial Screening Committee for the Democratic Party in and For Kings County as Amended on January 23,2012**, and the Chair determines that at credible basis exists for such assertion, then the applicant is permitted to offer new material(s) not considered previously and will be so informed prior to submitting his or her Appeal of such a determination.
- e) In the event the candidate's appeal is successful, the matter shall be remanded to the full Committee for re-evaluation. Only the members who sat on the Committee when the candidate was found "not qualified at this time" shall be eligible to vote.