

**PENNSYLVANIA BAR ASSOCIATION
JUDICIAL EVALUATION COMMISSION
RATINGS CRITERIA**

STANDARDS FOR EVALUATION FOR JUDGE AND ATTORNEY CANDIDATES

Overview: Candidates may be questioned, both by the investigative panel and by Commission members, on a wide range of subjects, but a candidate should not be required to indicate how the candidate would decide issues of substantive law that may arise in future litigated cases. There should be no issue-oriented litmus test used in the evaluation of a candidate. No candidate will be excluded from consideration because of race, religion, creed, national origin, sex, sexual orientation, age or handicap, so long as the candidate satisfies the constitutional standards for judicial service. A candidate's ideas concerning the role of the judicial system and judges are relevant subjects of inquiry.

This Evaluation shall be made for those individuals who are being considered for election, retention or appointment to a designated court and who clearly demonstrate substantial compliance with the following criteria:

- 1. Legal ability sufficient to have earned the respect of lawyers and members of the bench.**

A candidate should possess a high degree of knowledge of established legal principles and procedures and have a high degree of ability to interpret and apply them to specific factual situations. A sitting judge seeking retention should have demonstrated over time, his or her knowledge of established legal principles and procedures as well as a high degree of ability to interpret and apply them to specific factual situations.

Legal knowledge may be defined as familiarity with established legal principles and evidentiary and procedural rules. Legal ability is the intellectual capacity to interpret and apply established legal principles to specific factual situations and to communicate, both orally and in writing, the reasoning leading to the legal conclusion. Legal ability also connotes certain kinds of behavior by the judge such as the ability to reach concise decisions promptly once the candidate is apprised of sufficient facts, the ability to respond to issues in a reasonably unequivocal manner and to grasp quickly the essence of questions presented.

Legal knowledge and ability are not static qualities, but are acquired and enhanced by experience and by the continual learning process involved in keeping abreast of changing concepts through education and study. A candidate should possess a high level of legal knowledge and a ready knowledge of rules of evidence; however, a candidate should not normally be expected to possess expertise in any particular substantive field. More important is the demonstration of an attitude reflective of willingness to learn the new skills and knowledge which will from time to time become essential to a judge's performance and of a willingness to improve judicial procedure and administration.

2. Trial or other comparable experience which ensures knowledge of the rules of evidence and courtroom procedures.

A candidate should be an experienced lawyer, licensed in the jurisdiction in which the candidate seeks to be a judge. In certain compelling situations, an otherwise outstanding lawyer should not be deemed unqualified solely because of lack of trial experience.

A candidate should be admitted to practice law in the jurisdiction in which the candidate seeks to be a judge. The length of time that a lawyer has practiced is a valid criterion in screening applicants for judgeship. Such professional experience should be long enough to provide a basis for the evaluation of the candidate's demonstrative performance and long enough to ensure that the candidate has had substantial exposure to legal problems and to the judicial process.

It is desirable for a candidate to have had substantial trial experience and a knowledge of the litigation process. Trial experience includes the preparation and presentation of matters of proof and legal argument in an adversary setting. The extent and variety of the candidate's experience in actual trials also should be considered and weighed heavily. However, other types of legal experience also should be carefully considered, such as negotiation and mediation skills. A private practitioner, a law teacher or corporate, government or public interest attorney may have experience which will contribute to successful judicial performance. Outstanding persons with such experience should not be deemed unqualified solely because of lack of trial experience. The depth and breadth of that professional experience and the competence with which it has been performed, rather than the candidate's particular type of professional experience should be considered.

3. A record and reputation for excellent character and integrity.

A candidate's personal and professional actions should demonstrate consistent adherence to high ethical standards. A candidate should be of undisputed integrity.

The candidate's record and reputation for consistent adherence to high ethical standards is of the highest importance. The reputation of the candidate for truthfulness and fair dealing in both legal and extra-legal contexts also is of great importance.

The integrity of a judge is the keystone of the judicial system, for it is integrity which enables a judge to disregard personal prejudices, personalities and partisan political influences so that decisions are based solely on the facts and the law applicable to those facts. Therefore, it is imperative that a judicial candidate's integrity and character with regard to honesty and truthfulness be above reproach.

4. Financial responsibility.

A candidate should be financially responsible.

The demonstrated financial responsibility of a candidate is one of the factors to be considered in assessing the candidate's ability to fulfill the responsibilities of judicial office. Whether there have been judgments or liens or bankruptcy proceedings instituted by or against a candidate and whether the candidate has promptly and properly filed all required tax returns may be relevant to financial responsibility. Financial responsibility demonstrates self-discipline and the ability to withstand pressures which might compromise judicial independence and impartiality.

5. Judicial temperament.

A candidate should possess judicial temperament, which includes patience, courtesy, impartiality, even temper, a well-defined sense of justice, compassion, fair play, humility, tact, common sense and understanding.

Among the qualities which comprise judicial temperament are patience, open-mindedness, courtesy, tact, firmness, understanding, compassion and humility. Because the judicial function is essentially one of facilitating conflict resolution, judicial temperament requires an ability to deal with parties and counsel calmly and courteously, and the willingness to hear and consider the views of all sides. It requires the ability to be even-tempered, yet firm; open-minded, yet willing and able to reach a decision; confident, yet not egocentric. Because of the broad range of topics and issues with which a judge is typically required to deal, judicial temperament requires a willingness and ability to assimilate data outside the judge's own experience. Moreover, it requires an even disposition coupled with a keen sense of justice and a recognition that the administration of justice and the rights of the parties transcend the judge's personal feelings and desires. Judicial temperament implies, among other things, an absence of arrogance, impatience, and arbitrariness.

6. Mental and physical capacity sufficient to discharge fully the duties of judicial office.

A candidate should possess the requisite mental and physical capacity needed to discharge fully the demanding duties of judicial office.

A candidate should be in good mental and physical health. Good health embraces a condition of being sound in body and mind with relative freedom from physical disease or pain. A history of a past disabling condition or suggestion of a current disabling condition should require further inquiry as to the degree of impairment. A serious health condition should be considered carefully to determine what possible effect it may have on the candidate's ability to perform the duties of a judge. Medical documentation of current health status may be necessary. However, diseases or impairments which do not prevent a candidate from fully performing judicial duties should not be a cause for rejection of a candidate.

Good health also includes an absence of erratic or bizarre behavior which would significantly affect the candidate's functioning as a fair and impartial judge. A candidate should be free from current abuse of alcohol or drugs and should be able to handle stress constructively in an emotionally charged environment.

7. Record of community involvement.

A candidate should have a record of involvement in public service, community affairs, pro bono activities or other volunteer efforts in an effort to improve the quality of life of others in the community. A candidate should be aware of and sensitive to the diversity of the general community.

The rich diversity of backgrounds among members of the judiciary is an important strength of our judicial system and, therefore, a candidate's non-legal experience should be considered together with the candidate's legal experience. Participation in public service and pro bono activities adds another dimension to the qualifications of the candidate.

Experience which provides an awareness of and sensitivity to people and their problems may be just as helpful in the decision-making process as knowledge of the law. Active involvement in community and civic affairs, pro bono activities and other kinds of public service are important aspects of a candidate's qualifications. It is desirable that a candidate have broad life experiences.

8. Administrative ability.

A candidate should possess past administrative experience or strong administrative skills needed to administer justice effectively, fairly and efficiently.

Increasingly, judges are called upon to possess strong administrative skills in order to balance effectively the demands of long court lists and complex litigation. Effective administrative skills are necessary for judges to dispose of cases within reasonable time limits without sacrificing the legitimate needs of individual litigants or their counsel.

9. Devotion to improvement of the quality of justice.

A candidate should demonstrate, as part of the candidate's professional life, efforts directed at improving the quality of justice for all citizens.

It is the responsibility of every attorney to work toward maintaining the integrity and improving the competence of the bar to meet the highest standards of legal practice.

Attorneys, by reason of education and experience, are well-qualified to recognize strengths and deficiencies in the legal system. Therefore, they should participate in proposing and supporting initiatives to improve or preserve the system. Such efforts might include, among others, active participation in the work of local, state and national professional associations and organizations.

10. Demonstrated sound judgment in one's professional life.

A candidate should demonstrate sound judgment in his or her professional life.

A candidate should demonstrate reliability, diligence, perseverance, common sense and attentiveness. A candidate should possess good work habits and the ability to set priorities in relation to the importance of the tasks to be accomplished.

A candidate should meet procedural deadlines, keep appointments and commitments, and respect the time of litigants, lawyers, judges and court personnel.