

THE BAR ASSOCIATION OF THE CITY OF RICHMOND  
PLAN FOR THE ENDORSEMENT OF JUDICIAL NOMINEES  
FOR JUDICIAL OFFICE

ARTICLE I  
POLICY

The Bar Association of the City of Richmond (Association) shall by endorsement made by the Executive Committee on behalf of the Association, recommend and support for judicial office those persons who by their character, temperament, professional aptitude, experience, diligence and public service have demonstrated their special qualifications for judicial office, and it shall actively endeavor to encourage those persons most qualified to serve as judicial officers. The Association shall also, in its endorsement and support of a candidate(s) that it recommends for judicial office, seek to prevent political considerations from outweighing fitness in the selection process of the electing or appointing authority.

ARTICLE II  
JUDICIARY COMMITTEE

Section 1. The Committee. A Judiciary Committee (Committee) shall be established and maintained as provided for in Article VII, Section 3 of the By-laws of the Association (By-laws) for the purpose of implementing the policies and procedures of the Association concerning the endorsement of nominees for judicial office.

The Committee shall be concerned with the selection of judges for all courts, state and federal, in the Richmond, Virginia area, which area shall be as defined in Article II, Section 1(A) of the By-laws as the City of Richmond, any political subdivision contiguous thereto, and Hanover County. The Committee may also consider the selection of judicial officers for any court, commission or tribunal if requested to do so by the Executive Committee or the Board of Directors of the Association (Board of Directors).

Section 2. Membership Responsibilities and Sanctions. At all times during his or her appointment, a Committee member shall use his or her best efforts and serve on the Committee to the very best of his or her ability. The Committee shall appoint a Chair to facilitate and oversee Committee business by majority vote.

No member of the Committee shall make any advance commitment concerning how the member will vote at any Committee meeting concerning the qualifications of any person to be considered by the Committee. Except as herein otherwise specifically provided, the discussions at the Committee meetings pertaining to the qualifications of persons to be considered by the Committee shall be completely confidential. Except as otherwise provided herein, members of the Committee shall not disclose to any person who is not a member of the Committee any action taken by the Committee. Further, except as otherwise provided herein, members of the Committee shall not disclose to any person who is not a member of the Committee all nominations and related materials, any submissions by a nominee, or any statement made at a

Committee meeting pertaining to the qualifications of any person whose name has been submitted to, or has been considered by, the Committee.

It shall be a violation of the fidelity a member owes to the other members of the Committee, and to the public trust a member undertakes upon accepting appointment to the Committee, for any member to make a disclosure proscribed by this Article or to fail to participate fully in all deliberations of the Committee, including appearance at all meetings, as more specifically set forth in Article VII, Section 3, unless excused by the Committee Chair for good reason. Any member who violates the provisions of this Article shall be subject to removal as a member of the Committee by the Board of Directors of the Association, pursuant to Article VII, Section 3 of the By-laws of the Association.

Section 3. Quorum and Committee Voting. The Committee shall take no action concerning the recommendation of any person for judicial office without the affirmative vote of at least two-thirds of the members of the Committee present and voting at a meeting called for that purpose. Eight members of the Committee shall constitute a quorum and a minimum of six affirmative votes shall be required for any action. In the event the Committee has an investigation as to the background, experience and other qualifications of persons who are to be considered for a judicial vacancy scheduled, and the Committee finds itself one or more members short of a quorum, the President of the Association, or if the President is not available, any member of the Association's Executive Committee, may, in his or her discretion, appoint one or more members to the Committee on a temporary basis for purposes of a particular scheduled investigation and any subsequent deliberations and voting. Such temporary Committee member must be an active member of the Association, and for purposes of the scheduled investigation, is deemed to have a voting interest equal to each of the other members of the Committee.

### ARTICLE III PROCEDURE FOR RECOMMENDING NOMINEES

Section 1. Notification of Judicial Vacancy and Eligibility for Consideration. At the beginning of December, the Executive Director will contact the Division of Legislative Service to determine whether a judicial vacancy in the Richmond Metropolitan area will be filled by the up-coming session of the General Assembly. At other times of the year, the Executive Director will monitor the Courts to determine if any unexpected vacancies may occur. The Executive Director shall notify the Committee Chair and the Association President of the information obtained. Whenever a judicial vacancy exists, or is expected to occur in the near future, in any of the courts specified in Article II, Section 1 herein, the Committee, by publication in the Association's newsletter, on its website and by notification to all members of the Association, shall advise the Bench, the Bar and the Public of the vacancy and shall invite suggestions of names of qualified persons to be considered by the Committee; provided, however, that in any case in which the President of the Association deems that time is of the essence for the Association to make its nomination to the appointing or electing authority, the President may authorize a shorter period of publication or dispense with the requirements for publication and notification and request the Judiciary Committee to proceed as expeditiously as possible to make

its recommendations as hereinafter provided. The Committee may actively solicit for interview persons who are believed by the Committee to possess the requisite special qualifications for judicial office to agree to have their credentials considered and to accept appointment, if tendered. A “judicial vacancy” shall refer to the creation of a new judgeship, or the death, retirement, resignation or removal of a sitting judge; the term shall not refer to the appointment, election or re-election of a sitting judge unless so determined by the Executive Committee or the Board of Directors in accordance with Article II, Section 1 herein.

To be eligible for consideration by the Committee, nominations must be submitted per the instructions provided on the Notice to members. No nominations received after the cutoff date and time provided on the Notice will be considered by the Committee for endorsement for the advertised judicial seat.

The Executive Director shall facilitate the collection of all interview nominations on behalf of the Chair of the Committee and shall use his or her best efforts to provide all timely nominees with pertinent forms and information relating to participation in the judicial interview process. A nominee shall be required to indicate his or her willingness to be considered by the Committee and his or her willingness to accept the appointment, if tendered. No person shall be recommended by the Committee unless the Committee shall have received such assurances from the nominee.

Section 2. Procedure and Criteria. The Committee shall investigate the background, experience and other qualifications of each nominee who is to be considered for a judicial vacancy. Such investigation may include the submission of written questions to the nominees and the review of their written responses. The Committee shall interview each nominee. However, the Committee may waive interviewing any nominee who, during the previous 12 months, has been interviewed and found “highly qualified” by the Committee for the same court in the same jurisdiction. Any nominee seeking such a waiver must indicate in writing that his or her answers to previous written questions from the Committee have not substantially changed and that he or she has not been arrested for or convicted of a crime and is not the subject of any ethical or criminal investigation.

Interviews by the Committee may be conducted in concert with any other voluntary bar associations in the Richmond area expressing an interest in conducting joint interviews of a nominee at the same time and place as interviews conducted by the Committee. In the event that such interviews are conducted in collaboration with other bar associations, the Executive Committee and members of the Committee may share with and receive from the committee members of the appropriate committee of such other voluntary bar associations in the Richmond area all nominations, investigatory materials and related written materials, any submissions by a nominee and comments received from members of the Bar or the public. In the event that such cooperative interviews are conducted, all deliberations of the Committee shall be conducted in a closed session of the Committee membership.

The Committee shall carefully consider whether or not each nominee possesses the qualities prescribed in Article I herein, and after opportunity is given for full and open discussion in private, the Committee shall determine which nominee or nominees, if any, it will recommend

to the Executive Committee of the Association for endorsement by the Association. All persons recommended by the Committee to the Executive Committee for endorsement by the Association shall have been determined to demonstrate all of the special qualifications for judicial office contained in Article I herein, and determined by the Committee to be highly qualified for judicial service. "Highly Qualified" persons that are recommended for endorsement to fill a judicial vacancy shall be only those persons, if any, who are exceptionally well qualified by their character, temperament, professional aptitude, experience, diligence and public service and whom the Committee determines to be candidates for the subject judicial vacancy. The Committee may find no nominee or one or more nominees to be "highly qualified" for endorsement by the Association. If the Committee recommends more than one nominee to the Executive Committee as "highly qualified," for endorsement by the Association, those nominees shall not be ranked in any way. The Committee's determination of "highly qualified" nominees for endorsement by the Association shall be based solely on merit, consistent with the criteria set forth in Article I herein, without regard to political consideration or influence. Those nominees, if any, determined by the Committee to be "highly qualified" for endorsement by the Association will be recommended by the Committee to the Executive committee for endorsement on behalf of the Association.

Subject to Board approval, the Committee shall promulgate and publish detailed guidelines for evaluating nominees consistent with its mandate and internal operating procedures governing the solicitation, interview and consideration process for consideration of any nominees seeking the endorsement of the Association.

Section 3. Committee Report. Following the outcome of the Committee's deliberations and vote, the Chair shall promptly submit to the President of the Association a confidential written report which shall set forth the identity of those persons whose qualifications were considered by the Committee, and the identity of those persons, if any, recommended by the Committee to the Association as "highly qualified" for endorsement by the Association to fill judicial vacancy at issue, or a certification that the Committee it did not find any nominee "highly qualified" for endorsement. All materials created or collected during the judicial interview process will be stored electronically by the Executive Director for a period of one year. Any hard copy materials created shall be collected and destroyed after each round of interviews. The Chair shall notify any other participating bar association to destroy hard copy materials as well, consistent with their association policies.

#### ARTICLE IV EXECUTIVE COMMITTEE APPROVAL

##### Section 1. Notice.

A. Upon receiving the Committee's report, the President of the Association, or in the event of his or her absence or disqualification, the officer acting as President, shall forward the Committee report and promptly call a meeting with the Executive Committee for the purpose of reviewing, considering and either approving, denying or amending the Committee's determination. Upon approval by the Executive Committee of the Judiciary Committee's recommendation(s) of endorsed nominee(s), the Executive Committee will forward to the

electing or appointing authority the names of the endorsed candidates together with any comments the Executive Committee deems appropriate. Those nominees who participated in the judicial interview or whose qualifications were considered by the Committee shall be notified by the President or the Chair of the Association's recommendations with respect to them for endorsement made by the Committee along with any additional comments of the Committee or the Executive Committee.

Section 2. Certification of Qualified Nominees. The President shall promptly certify the names of the nominees who were endorsed by the Executive Committee on behalf of the Association for the judicial vacancy to such persons or organizations deemed appropriate by the President, together with the Association's request that vacancy under consideration be filled by a candidate on the "highly qualified" list. The President or other such members of the Association as shall be designated by the Board of Directors, shall, if applicable, present such persons to the appropriate persons or organizations and shall be prepared to discuss their qualifications and shall otherwise advocate to the appropriate persons or organizations the selection of someone on the "highly qualified" list to fill such judicial vacancy. Such advocacy shall take the form of: 1) appearance by one or more members of the Board of Directors before the electing or appointing authority, persons or organizations, where appropriate, to discuss the qualities prescribed in Article I herein and determined pursuant to the guidelines promulgated and published by the Committee under Article III, Section 2 herein of the individual's endorsement by the Association for the judicial vacancy and the significance of the endorsement by the Association and 2) in the case of judicial officers in the Commonwealth, in-person discussions of the qualities prescribed in Article I herein of those endorsed by the Association and the significance of the endorsement by the Association with the General Assembly delegation representing the jurisdiction where the vacant judicial is located.

*Adopted September 7, 2017*