

# THE WASHINGTON STATE JOINT ASIAN JEC RULES AND PROCEDURES

## 1. DEFINITIONS

- 1.1. "ABAW" means the Asian Bar Association of Washington.
- 1.2. "Asian Specialty Bar Associations" or "Asian Specialty Bars" means, together, ABAW, FLOW, KABA, SABA and VABAW, each defined in this section.
- 1.3. "Candidate" means a person seeking a rating for either election or appointment to judicial office.
- 1.4. "Chair" means the Chair of the Joint Asian Judicial Evaluations Committee defined in this section.
- 1.5. "Washington State Joint Asian Judicial Evaluation Committee," "Committee," "JAJEC" or "Washington State Joint Asian JEC" means the joint committee composed of representatives from the Asian Specialty Bars formed to evaluate candidates for judicial positions within the State of Washington.
- 1.6. "FLOW" shall mean the Filipino Lawyers of Washington.
- 1.7. "KABA" means the Korean American Bar Association of Washington.
- 1.8. "Member" means a member of the Washington State Joint Asian JEC.
- 1.9. "Presidents" means the respective Presidents of the Asian Specialty Bars.
- 1.10. "Rating" means the evaluation of a Candidate for appointment or election as Exceptionally Well Qualified, Well Qualified, Qualified, or Not Qualified, according to the criteria set forth in § 7.2 below.
- 1.11. "SABA" means the South Asian Bar Alliance of Washington.
- 1.12. "simple majority" means a vote of four if only four Members are present; and, if more Members are present, calculated by determining the number of additional votes needed in excess of four by finding the number of votes that represent fifty-one percent (51%) of the number of Members in excess of four rounding up to the next whole number.
- 1.13. "super majority" means a vote of four if only four Members are present; and, if more Members are present, calculated by determining the number of additional votes needed in excess of four by finding the number of votes that represent sixty percent (60%) of the number of Members in excess of four rounding up to the next whole number.
- 1.14. "VABAW" means the Vietnamese American Bar Association of Washington.

## 2. AUTHORITY

- 2.1. By resolutions of the respective Boards of Directors of the Asian Specialty Bars, there is established a Washington State Joint Asian JEC to carry out the judicial screening and evaluation and other functions as set forth in these Rules and Procedures. The Committee exists and functions under the bylaws of each of the respective Asian Specialty Bars and these Rules and Procedures.

### **3. PURPOSES OF THE COMMITTEE**

- 3.1. The primary goals to be effected by the Committee are as follows:
  - 3.1.1. To ensure that Candidates recognize and promote the goals and values of the Asian Specialty Bars and their constituents, jointly and individually.
  - 3.1.2. To ensure that a Candidate is of high integrity and legal ability, while demonstrating a commitment to fairness and equal justice.
  - 3.1.3. To ensure qualified Candidates reflect our diverse community to help develop trust and confidence in the judicial system.
  - 3.1.4. To rate each Candidate according to the criteria set forth in § 7.2 below.
  - 3.1.5. To make the ratings available to the public so that voters will be aware of the jointly expressed views of the Asian Specialty Bars.
  - 3.1.6. To rate, but not endorse, Candidates for appointment or election to judicial positions and to improve the quality of the bench.
  - 3.1.7. To inform and educate the Candidates and raise their consciousness regarding legal issues involving the ethnic communities of the diverse Asian Specialty Bars in order to (a) improve the concept, perception and system of justice and its accessibility and (b) generally address the interests of the Asian Specialty Bars and their constituents in having a justice system that adequately reflects, and takes into account, the interests of the Asian Specialty Bars and their constituents.
  - 3.1.8. Recognizing that the process of obtaining information about Candidates is a difficult endeavor, to publish the information about Candidates that the Committee deems relevant to and useful with respect to creating an educated voting public.
  - 3.1.9. To promote the recognition and relevance of the Asian Specialty Bars and their constituents.

### **4. MEMBERSHIP**

- 4.1. Committee Composition.
  - 4.1.1. Members must be fully licensed members of the Washington State Bar Association and active members of at least one of the Asian Specialty Bars.
  - 4.1.2. The Committee shall consist of at least one representative from each of the Asian Specialty Bars, composed by a minimum of four Members. For evaluation and voting purposes, a quorum shall exist when there are four Members present, and the four Members do not have to represent each of the Asian Specialty Bars.
  - 4.1.3. The Committee should represent diverse areas of practice, including Members with experience in corporate transactions, criminal law (with the goal of having both defense and prosecution perspectives represented) and civil litigation (with the goal of having both defense and plaintiff perspectives represented).
  - 4.1.4. The Committee should represent diverse forms of practice, and should include Members who are solo practitioners, government attorneys, legal services attorneys, and attorneys employed by small and large firms and corporations.
  - 4.1.5. The Committee should represent diverse experience levels, and should include Members who have practiced in the State of Washington for at least three (3) years, with preference for those with experience of five (5) years or more.

4.1.6. The Committee should represent the diverse perspectives within the Asian Specialty Bars.

4.2. Member Qualification, Selection and Chair.

4.2.1. The Committee shall consist of Members who meet the requirements of § 4.1 and who agree to participate on the Committee.

4.2.2. All Members shall be advised of the need to devote adequate time to the work of the Committee and shall commit to devote such time.

4.2.3. The Chair shall identify and recruit additional Members, representative of the constituent Asian Specialty Bars for the current year's committee to meet the diversity goals of § 4.1.

4.2.4. The Chair shall be rotated each year in the following order commencing in 2006: ABAW, FLOW, KABA, SABA, and VABAW; subsequently repeating the rotation in consecutive order. The Chair's tenure runs from January 1 to December 31 of the calendar year.

4.2.5. The Chair may appoint a Vice-Chair, whose duties shall consist of assisting the Chair as may be necessary or requested.

4.2.6. The Asian Specialty Bar that serves as Chair in the annual rotation shall also fund the budget for the Committee during the year of its rotation up to the amount of One Hundred Dollars (\$100.00) and any amount in excess will be shared equally by all of the Asian Specialty Bars.

4.2.7. Waivers, if any, with respect to any provision in this Section 4.2 (except for 4.2.4 and 4.2.6) shall be granted upon simple majority vote of the members present at the meeting when the request for waiver is presented.

4.3. Duties.

4.3.1. Each Member shall serve the entire year.

4.3.2. No Member may serve more than four consecutive years. Waivers, if any, with respect to this subsection shall be granted by the Chair.

4.3.3. Each Member, or a qualified alternate from such Member's Asian Specialty Bar, shall participate in each evaluation. Each Member must advise the Chair of his/her absence and provide the name of his/her alternate as soon as practicable.

4.3.4. Each Member shall make every effort to coordinate his/her calendar to attend at least four evaluations in each calendar year.

4.3.5. Each Member shall review and adhere to the Washington State Joint Asian JEC Rules and Procedures.

4.3.6. When acting as Chair, the Vice-Chair shall perform all the duties of the Chair as specified in these Rules and Procedures.

4.4. Removal.

4.4.1. A Member may be asked to resign from the Committee or may be removed from the Committee (as set forth in § 4.4.2) for failure to devote adequate time to the Committee for reference checks, for failure to attend Committee meetings, or for any other cause as determined by the Chair.

4.4.2. A Member may be removed by the Committee, by a super majority vote, for being

uncooperative, unavailable, or not sufficiently diligent in performing tasks or attending Committee meetings.

## 5. PUBLICATION AND CONFIDENTIALITY

### 5.1. Public Notice.

5.1.1. The list of Members shall be made available upon request to the JAJEC Chair. The list of Members shall be considered public information.

### 5.2. Notice to Candidates.

5.2.1. A Candidate officially initiates the process of obtaining an evaluation by submitting via e-mail to the Chair, any one of the following documents: King County Bar Association Questionnaire for Candidates Seeking Appointment or Election to Judicial Office, WSBA Candidate Questionnaire, Governor's Application for Judicial Appointment or such other similar official questionnaire or application. A candidate may seek to submit a document in lieu of any of the three listed questionnaires or applications only after the Committee, by simple majority, has approved of such substitution. Upon receipt of such materials, the Chair shall send to the Candidate a letter which states the following:

- 5.2.1.1. a list of the names of the Members and the Asian Specialty Bar(s) to which each Member belongs;
- 5.2.1.2. the Candidate's interview date, time, and location;
- 5.2.1.3. notice that failure to provide complete information may result in either the Committee declining to interview the Candidate or an adverse impact on the Candidate's rating;
- 5.2.1.4. a brief explanation of the JAJEC's publication policies;
- 5.2.1.5. a brief explanation of the consequences of withdrawal of a request for evaluation after a certain date or a certain point in the evaluation process; and
- 5.2.1.6. a copy of the Rules and Procedures.

### 5.3. Publication of Ratings.

#### 5.3.1. Notice to the Candidate.

- 5.3.1.1. Within 2 days after the Committee issues a rating, the Chair shall so notify the Candidate by phone.
- 5.3.1.2. Within 7 days after the Committee issues a rating, the Chair shall send written notice to the Candidate of his/her rating, with a copy to the Presidents of the Asian Specialty Bars, and the relevant appointing agency (if applicable).

#### 5.3.2. Notice to the Public.

- 5.3.2.1. The Chair shall send the ratings to news agencies as requested or at the Chair's discretion.
- 5.3.2.2. Once the time period for reconsideration has lapsed (see § 8.0), the ratings shall be considered public information.
- 5.3.2.3. The Chair shall arrange for publication by JAJEC of the JAJEC ratings, and

the Chair shall be responsible for maintaining or arranging for maintenance of the JAJEC website.

5.3.2.4. Each of the Asian Specialty Bars shall reference the JAJEC website on their respective websites.

5.4. Confidentiality. In order to foster frank and open discussions within the Washington State Joint Asian JEC rating and evaluation process, Members shall keep confidential all information disclosed by the candidates and references and all discussions in the interview, evaluation, and rating proceedings of the Washington State Joint Asian JEC. All inquiries regarding ratings and procedures shall be referred to the Chair who shall provide responses as appropriate without disclosing confidential information.

## 6. EVALUATION PROCESS

### 6.1. Commencement.

6.1.1. The process commences when the Chair receives Candidate materials and sends out the information in § 5.2.2 to the Candidate.

6.1.2. Upon receipt of a Candidate's official request, the Chair shall distribute copies to the Members participating in the evaluation with instructions on which references to check.

6.1.3. If a Candidate has failed to provide complete information, the Chair shall notify the Candidate and request supplementation. The Chair shall advise the Candidate of the effects of incomplete information as described in § 7.2.5.

### 6.2. Reference Checks.

6.2.1. The Chair shall equitably divide the reference checks among the Members attending the evaluation session. "Equitably divide" means that each Member shall check approximately the same number of references, and each Member shall check references from each category (e.g., prior opposing counsel, appearing counsel, non-attorney references).

6.2.2. Members should be mindful of the necessity to devote adequate attention to the reference checking process sufficiently in advance of the scheduled interview to ensure the adequate and thorough performance of the reference checking function.

6.2.3. Each Member shall contact his or her specified references before the Candidate interview. If a Member cannot do so, he or she shall immediately notify the Chair so that the Chair may reassign the reference checks to other Members.

#### 6.2.4. Interviewing References.

6.2.4.1. When contacting a reference, the Member shall identify him or herself and that he or she is calling on behalf of the Washington State Joint Asian JEC.

6.2.4.2. The Member shall indicate the Candidate for whom he or she is calling and advise the reference that all information shall be kept confidential within the Committee.

6.2.4.3. When interviewing a reference, the Member shall ask for specific, factual examples regarding a Candidate, rather than just relying on the reference's opinion.

6.2.4.4. Hearsay shall not be considered. If a reference reports relevant information he or she has heard from another source, the Member shall make every effort to

contact that source directly.

6.2.4.5. Rating scales, such as on a “1-10” basis, shall not be used.

6.3. Candidate Interview.

- 6.3.1. The Chair shall convene each interview, unless the Chair is absent or has recused him/herself in whole or in part, in which case the Vice-Chair shall convene the interview.
- 6.3.2. Each interview shall be approximately twenty (20) minutes in length and may be extended at the discretion of the Chair. The Chair shall advise the Candidate of the time limit.
- 6.3.3. The Candidate may make opening remarks or move directly to questions.
- 6.3.4. Sensitive or questionable matters regarding a Candidate shall be raised among the Committee before the Candidate’s interview. If the matter will be considered in the rating, at the Chair’s discretion the Candidate should be allowed to address those issues.
- 6.3.5. The Chair shall advise the Candidate when the interview is coming to a close and shall invite the Candidate to make any closing remarks he/she wishes.
- 6.3.6. The Chair shall have discretion to review and approve reasonable requests from the Candidate as to the location of the interview.

6.4. Evaluation.

- 6.4.1. Discussion and voting should occur immediately after the interview.
- 6.4.2. Each Member shall give their reference reports immediately after the Candidate’s interview.
- 6.4.3. Only information based upon personal knowledge of the source shall be considered. The rule against hearsay applies.
- 6.4.4. The Committee may consider information provided from sources other than the Candidate and references listed by the Candidate. Other sources may include, but are not limited to, contacts with people who have personal knowledge of the Candidate (whether or not listed by the Candidate as references), public records, electronic searches, and a Member’s personal experience with a Candidate. Any persons contacted should be assured that the source of the information provided by them will be kept strictly confidential.
- 6.4.5. The Committee may consider information from Members who have recused themselves as described in § 9.2.
- 6.4.6. The Committee shall not consider judicial surveys.
- 6.4.7. The Committee should engage in frank and open discussion to fully evaluate the Candidate.

## 6.5. Voting.

### 6.5.1. General Provisions

- 6.5.1.1. Only Members present at a Candidate's interview may vote on the Candidate's rating.
- 6.5.1.2. Only Members who have not been recused shall vote on the rating.
- 6.5.1.3. A rating will be established upon the simple majority vote of the Members present. However, there must be at least four votes for a rating. Consequently, if only the minimum number of Members is present for a quorum (4), then there must be a unanimous vote for the rating.
- 6.5.1.4. Voting may be by show of hands or by secret ballot.
- 6.5.1.5. There shall be no disclosure of the vote tallies or how each Member voted.

### 6.5.2. Voting Process

- 6.5.2.1. Voting shall start with the rating of "qualified." If the Candidate does not receive enough votes for this rating as described in § 7.2.3, the Candidate's rating shall be "not qualified."
  - 6.5.2.2. If the Candidate receives enough votes for a "qualified" rating as described in § 7.2.3, then the Members shall vote on whether the Candidate is "well qualified."
  - 6.5.2.3. If a Candidate receives enough votes for a "well-qualified" rating as described in § 7.2.2, then the Members shall vote on whether the Candidate is "exceptionally well qualified."
  - 6.5.2.4. A Candidate who does not provide complete information shall not be given the highest rating.
- 6.5.3. Authority to Table or Continue Process. Any Member participating in an evaluation of a Candidate may propose that the process be tabled or continued. If the Committee, by super majority, determines for any reason that it does not have sufficient information to credibly evaluate and rate a Candidate, the rating process, including the interview and vote, may be tabled or continued. The decision of the Committee to table or continue the rating process should only be undertaken after consideration of any relevant timing concerns and the requirement in these Rules and Procedures that only Members present for a Candidate's interview may vote on the Candidate's rating.

## 7. RATINGS

- 7.1. Basic Rating Criteria. The basic criteria for rating Candidates are the same, and consist of the following factors, which are not listed in any order of priority:
  - 7.1.1. Maturity, integrity, courtesy, intellectual honesty, fairness, good judgment, curiosity, and common sense.
  - 7.1.2. A demonstrated commitment to equal justice under the law, and fairness and open-mindedness with sensitivity to and respect for all persons, regardless of race, color, sex, sexual orientation, national origin, ancestry, religion, political ideology, creed, age, marital status, or physical or mental handicap, disability, or impairment. This commitment and sensitivity can be evidenced by the individual's involvement in community affairs and activities, professional practice, and personal and professional

background.

- 7.1.3. The courage and ability to make difficult decisions under stress.
- 7.1.4. The competence, ability, and experience (which may include trial experience) to manage pretrial and trial proceedings, including administrative proceedings, arbitrations, settlement conferences, and commissioner or magistrate responsibilities. It should include an ability to address diverse issues, weigh conflicting testimony, apply the law to the facts, understand the dynamics of the trial or conflict resolution process, and command respect from attorneys, litigants, and other participants in the process.
- 7.1.5. The ability to work with a wide variety of subject matter, and substantive knowledge of all areas of applicable law.
- 7.1.6. Excellent legal ability and confidence, and demonstrated excellence in legal work and practice.
- 7.1.7. The energy and capacity for hard work.
- 7.1.8. The potential for ongoing professional development and demonstrated leadership in the profession.
- 7.1.9. The ability to communicate clearly and effectively, orally and in writing, with attorneys, litigants, witnesses, and jurors.
- 7.1.10. Interest and commitment to working with other judges and court administrators to improve the administration of justice.

7.2. Explanation of Ratings.

- 7.2.1. “Exceptionally Well Qualified.” A Candidate for election may be rated “Exceptionally Well Qualified” if the Candidate fulfills the requirements necessary for a “Well Qualified” rating and, in addition, demonstrates outstanding accomplishments as reflected by some or all of the following:
  - 7.2.1.1. Singular accomplishments in professional practice, academic training, judicial career, or contributions to the profession.
  - 7.2.1.2. Exceptional litigation, judicial, or administrative experience.
  - 7.2.1.3. Outstanding personal and professional integrity, independence, courage or commitment to fairness in the administration of justice.
  - 7.2.1.4. Significant public or community service.
  - 7.2.1.5. Notable life experiences or introspection manifesting thought about fairness, justice, and equality.
  - 7.2.1.6. Exceptional legal writing skill.
  - 7.2.1.7. Ability to make difficult decisions in demanding situations.
  - 7.2.1.8. Dedication to making the judicial or legal system accessible to individuals regardless of income, disability, or social status.
- 7.2.2. “Well Qualified.” A Candidate may be rated “Well Qualified” if the Candidate demonstrates a level of skill, experience, sound judgment, and excellence in his or her professional or judicial career, or both which will sustain or improve the quality of the bench of the judicial position sought. These Qualifications may be demonstrated by satisfying some or all of the basic criteria.

- 7.2.3. “Qualified.” A Candidate may be rated “Qualified” if the Candidate has satisfied the basic criteria to a degree sufficient to consider the Candidate minimally qualified for the judicial position sought.
- 7.2.4. “Not Qualified.” A Candidate may be rated “Not Qualified” if the Candidate does not demonstrate qualifications sufficient to receive a rating of “Qualified.”
- 7.2.5. “Insufficient Information to Rate.” If (a) a Candidate has been provided with a full and complete opportunity to provide timely information and, despite that opportunity, the Committee concludes by majority vote that it does not have sufficient information to rate the Candidate or (b) the Candidate fails to appear for a scheduled interview without sufficient explanation for the failure to keep the appointment, the Committee shall place the Candidate in the category “Insufficient Information to Rate” and such information will be published pursuant to section 5.
- 7.2.6. “Withdrawn Before Rated” If the Candidate notifies the Chair that the appointment has been filled or the election campaign has been cancelled before a rating has been issued, the Committee shall place the Candidate in the category “Withdrawn Before Rated” and such information will be published pursuant to section 5.
- 7.2.7. “Rating Withdrawn at Candidate’s Request” If a Candidate has been issued a rating and the Candidate requests the rating withdrawn, the Committee shall place the Candidate in the category “Rating Withdrawn at Candidate’s Request” and such information will be published pursuant to section 5. This rating is not available to a Candidate who is actively seeking an appointment or running for election.
- 7.2.7.1. If a Candidate has been placed in the “Rating Withdrawn at Candidate’s Request” but then subsequently actively seeks an appointment or runs for election during the time when the issued rating is still current, then the Committee shall remove the “Rating Withdrawn at Candidate’s Request” rating, and shall re-instate the issued rating for the remainder of the period as set forth in 7.3.
- 7.3. Effectiveness of Rating. Except as specifically set forth in these Rules and Procedures, a Candidate’s rating for a particular position shall remain in effect for a period of three years from its effective date.
- 7.3.1. Reconsideration Initiated by Committee. The Committee, on motion from any of the Members rating such Candidate, may determine by super majority that the rating should be reconsidered.
- 7.3.2. Reconsideration Initiated by Candidate. Within the three year period, a candidate with a rating in effect shall have a right to be interviewed again by the Committee if seeking appointment to a different court.
- 7.4. A candidate shall not be rated if the candidate has served as a member of the JAJEC or equivalent committee within one year of application for rating.

## 8. RECONSIDERATION

- 8.1. Reconsideration During Committee Session. By simple majority vote, a Committee may reconsider a vote taken during the day of the Committee session. A motion to reconsider may be made by any Member. If a motion to reconsider is voted on and fails, the vote which it proposed to reconsider remains in full force. If a motion to reconsider is voted on and adopted, the effect is to immediately place before the Committee again the question on which the vote is to be reconsidered, in the exact position it occupied the moment before it was voted on originally. As is always the case under these Rules and Procedures, only Members present at a Candidate's interview may vote on the Candidate's rating, and the other rules governing Candidate ratings remain in effect. There shall exist no requirement that all persons participating or voting in the rating being reconsidered participate and vote on reconsideration.
- 8.2. Reconsideration Following Rating Session. If, on motion from any Member who participated in a rating, the Committee believes that significant information was not considered when it rated a Candidate and therefore subjects the validity of the rating to serious question, the Committee, by super majority, may vote to reconsider and the rating shall be suspended pending reconsideration. Only the Members who rated the Candidate may participate in the reconsideration. Such reconsideration must be completed within ten (10) days of the interview meeting.
- 8.3. By the Candidate.
- 8.3.1. A Candidate's rating shall be reconsidered if:
- 8.3.1.1. the Candidate requests reconsideration within three days of telephone notice of his or her rating, and
- 8.3.1.2. the Candidate received only one vote less than the required number of votes to obtain the higher rating.
- 8.3.2. The Committee, by super majority, may grant another interview to the Candidate. A second interview should be granted only when the circumstances warrant it, and only if it will not interfere with completion of other evaluations.
- 8.3.3. Only the Members who rated the Candidate may participate in the reconsideration.
- 8.3.4. The Candidate's first rating shall be suspended pending reconsideration.
- 8.3.5. Once final, ratings shall be published pursuant to § 5.3.
- 8.3.6. The Committee and the Boards of the Asian Specialty Bars shall have no authority to amend a rating.

## 9. CONFLICTS OF INTEREST

- 9.1. Clear Conflicts – Recusal Required. A Member shall be disqualified under the following circumstances:
- 9.1.1. If that Member has donated a material amount of money or services to any campaign or publicly endorsed any Candidate for the position for which interviews are being conducted, the Member shall be disqualified from proceedings involving that Candidate or that position. Services shall include but not be limited to writing

- letters or telephoning on behalf of any Candidate.
- 9.1.2. If that Member is currently engaged in ongoing litigation or negotiations as opposing party or counsel for a client in proceedings involving a particular Candidate, the Member shall be disqualified from proceedings involving that Candidate.
  - 9.1.3. If that Member or Member's spouse has a current close business and/or professional association with any particular candidate, or if the Member or Member's spouse frequently socializes with the Candidate or the Candidate's spouse, or if the Member is related to the Candidate by blood or by marriage; the Member shall be disqualified from proceedings involving that Candidate.
  - 9.1.4. If that Member has a personal bias or prejudice concerning any particular candidate such as to substantially affect the Member's ability to render a fair and impartial rating and evaluation, the Member shall be disqualified from proceedings involving that Candidate.
  - 9.1.5. The Committee, by simple majority, may determine whether additional participation in all candidate interviews for the affected position shall be proscribed as a result.
- 9.2. Potential Conflicts – Recusal to be Considered. A Member may be required to disqualify oneself under the following conditions:
- 9.2.1. If that Member has a prior adversarial or close business and/or professional association resulting in a favorable or unfavorable impression which could substantially affect the appearance of fairness, the Member shall privately disclose the nature of the potential bias to the Chair or Vice Chair at the earliest possible date so as not to disrupt the Washington State Joint Asian JEC work timetable. After discussion, the Chair shall determine whether the Member shall participate in all, part, or none of the interview, evaluation, and rating process.
  - 9.2.2. If that Member has any other questions about participation in a Candidate's rating for any reason not described herein, the issue shall also be raised and discussed with the Committee for determination of participation. After discussion, the Committee, by simple majority, shall determine whether the Member shall participate in all, part or none of the interview, evaluation, and rating process of that Candidate or that position.
- 9.3. Conflict Issues Raised by a Candidate. If a Candidate raises a conflict of interest issue before his or her evaluation, the matter shall be resolved as follows:
- 9.3.1. If the alleged conflict is with a Member:
    - 9.3.1.1. The Chair shall investigate the conflict with the Member, and if not resolved with the Member, shall advise the Committee as a whole of the issue and discuss appropriate steps.
    - 9.3.1.2. The Committee, by simple majority, shall determine whether a conflict requiring recusal exists.
  - 9.3.2. If the alleged conflict is with the Chair, then the Vice-Chair shall assume the responsibility of the Chair as outlined in the preceding section.
  - 9.3.3. Once a determination is made, the Chair (or Vice-Chair, as appropriate), shall advise the Candidate that the matter has been investigated and whether there is a finding that a conflict requiring recusal exists.

- 9.3.4. If a Candidate does not raise a conflict of interest issue before the interview, it shall be deemed waived.
- 9.3.5. Under no circumstances shall a Candidate be entitled to “create” a recusal issue. For example, a Candidate’s personal attacks or accusations against a Member, when there is no conflict of interest issue as defined in § 9.1 or § 9.2, shall not in itself become a basis for recusal.
- 9.4. Voting. If the recusal of Members results in lack of a quorum, the Chair and Members may ask alternates, or the Chair, on recommendation of the Members, shall appoint temporary committee members to serve on a limited basis for the position affected. Temporary Members and alternates must meet the requirements of § 4.1.
- 9.5. Eligibility for Rating. The Chair and Members shall be ineligible for rating by the Committee during their current terms and for one year after completion of their term.

## **10. RECORDS**

- 10.1. Committee records shall be limited to a single official file to be maintained by the Chair. The file shall be kept confidential and shall include the following material:
- 10.1.1. One copy of the completed questionnaire furnished by each candidate, one copy of any correspondence between the Candidate and the Committee, and such other information the Chair deems appropriate;
- 10.1.2. One copy of the list of candidates appearing before the Committee and their ratings;
- 10.1.3. One copy of each letter of transmittal of the list of qualified candidates for Appointment and other official correspondence;
- 10.1.4. Records of Committee meetings, including the names of Members in attendance, the ratings of each candidate, and any other decisions made.
- 10.2. Members shall destroy all notes of reference interviews after the time period for reconsideration (see § 8.0) has lapsed.

## **11. RESOLUTION OF ISSUES NOT COVERED HEREIN**

- 11.1. The Chair and Members of the Committee will consult with their respective Asian Specialty Bar Presidents on issues which are not covered by these Rules and Procedures.
- 11.2. The Chair and Members of the Committee will advise the Presidents of their respective Asian Specialty Bars of issues which could affect the credibility and appearance of fairness of the Committee.
- 11.3. In the event an issue arises not covered by these Rules and Procedures, the Chair and the Members of the Committee may refer to the King County Bar Association Judicial Screening Committee Rules and Procedures for guidance.

- 11.4. On motion from any Member, the Committee shall discuss appropriate changes to and, by super majority, may make recommendations to the Boards of their respective Asian Specialty Bars to amend or revise the Rules and Procedures governing the operations of the Washington State Joint Asian JEC.

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By signing, the undersigned authorized representatives of the respective Asian Specialty Bars acknowledge adoption of the Washington State Joint Asian JEC Rules and Regulations by their respective governing boards:

**AUTHORIZED OFFICERS:**

/s/ Michele Wong  
Asian Bar Association of Washington  
Print Name: Michele Wong  
Office: President

Dated: January 26, 2010

/s/ Abigail Daquiz  
Filipino Lawyers of Washington  
Print Name: Abigail Daquiz  
Office: President

Dated: January 22, 2010

/s/ Jessica Yu  
Korean American Bar Association of Washington  
Print Name: Jessica Yu  
Office: Secretary

Dated: January 26, 2010

/s/ Kaustuv M. Das  
South Asian Bar Alliance of Washington  
Print Name: Kaustuv M. Das  
Office: Board Member

Dated: January 22, 2010

/s/ Lam Nguyen-Bull  
Vietnamese American Bar Association of Washington  
Print Name: Lam Nguyen-Bull  
Office: President

Dated: January 22, 2010