

THE WASHINGTON STATE JOINT ASIAN JUDICIAL EVALUATION COMMITTEE RULES AND PROCEDURES

Effective March 1, 2021

1. DEFINITIONS

- 1.1.** "Asian Specialty Bar Associations" or "Asian Specialty Bars" means, together, the Asian Bar Association of Washington (ABAW), the Filipino Lawyers of Washington (FLOW), the Korean American Bar Association of Washington (KABAW), the Middle Eastern Lawyers Association of Washington (MELAW), the South Asian Bar Alliance of Washington (SABAW), and the Vietnamese American Bar Association of Washington (VABAW).
- 1.2.** "Candidate" means a person seeking a rating for either election or appointment to judicial office.
- 1.3.** "Chair" or "Co-Chair" means the Chairs of the Joint Asian Judicial Evaluation Committee defined in this section.
- 1.4.** "Washington State Joint Asian Judicial Evaluation Committee," "Committee," or "JAJEC" means the joint committee composed of representatives from the Asian Specialty Bars formed to evaluate Candidates for judicial positions within the State of Washington.
- 1.5.** "Member" means a fully licensed lawyer, in good standing, of the Washington State Bar Association (WSBA) and an active member of at least one of the Asian Specialty Bars.
- 1.6.** "Presidents" means the respective Presidents of the Asian Specialty Bars.
- 1.7.** "Quorum" consists of at least four Members of any of the Asian Specialty Bars.
- 1.8.** "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 Section 7 below.
- 1.9.** "Simple Majority" is met when there are more than half of the total votes cast, but no less than four votes. For example:

Number of Members	Number of Votes Needed for Simple Majority
4	4
5	4
6	4
7	4
8	5
9	5
10	6

2. AUTHORITY. By resolutions of the respective Boards of Directors of the Asian Specialty Bars, there is established a JAJEC 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 of 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 communities, 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 Section 7 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 roster shall consist of at least one Member from each of the Asian Specialty Bars (“Liaisons”) pursuant to 4.2.5 and shall have a minimum of six Members. For evaluation and voting purposes, a quorum shall exist when there are four Members present; however, the four Members do not have to represent different 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), civil litigation (with the goal of having both defense and plaintiff perspectives represented), and family law.

- 4.1.4. The Committee should strive to 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. For Members conducting reference checks, the preference for years of experience does not apply.
- 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. The Chair, Co-Chairs, and Liaisons from each of the Asian Specialty Bars 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.
- 4.2.3. The Chair or Co-Chairs shall rotate each year in the following order commencing in 2006: ABAW, FLOW, KABAW, SABAW, VABAW, and MELAW; subsequently repeating the rotation in consecutive order. The Chair's or Co-Chairs' tenure runs from January 1 to December 31 of the calendar year.
- 4.2.4. The Chair or Co-Chairs may appoint a Vice-Chair, whose duties shall consist of assisting the Chair or Co-Chairs as may be necessary or requested.
- 4.2.5. Each Asian Specialty Bar shall (a) fund the budget for the Committee each year in the amount of Two Hundred Dollars (\$200) and any amount in excess will be rolled over to the next year or as otherwise agreed upon among the Asian Specialty Bars; (b) designate an individual to be responsible for maintaining and posting the JAJEC ratings and who shall act as a liaison to the Chair or Co-Chairs for purposes of publishing JAJEC ratings ("website liaison") pursuant to 5.3; and (c) appoint at least one member from its Asian Specialty Bar each year as a Liaison member to JAJEC, who shall be responsible for ensuring their Asian Specialty Bar meets the obligations specified under the Rules and Procedures, facilitate communication between JAJEC and their respective Asian Specialty Bar, and identify and recruit additional Members pursuant to 4.2.2.
- 4.2.6. Waivers, if any, with respect to any provision in Section 4.2 (except for 4.2.4 and 4.2.6) shall be granted upon a simple majority vote of the Members present at the meeting when the request for waiver is presented.

4.3. Duties

- 4.3.1. An individual may not be a member of JAJEC for more than four consecutive years. Waivers, if any, with respect to this subsection shall be granted by the Chair or Co-Chairs.
- 4.3.2. Each Member shall review and adhere to the JAJEC Rules and Procedures.

- 4.3.3. 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 roster or may be removed from the Committee roster 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 or Co-Chairs (as set forth in 4.4.2).
- 4.4.2. A Member may be removed from the Committee, at the direction of the Chair or Co-Chairs, for being uncooperative, unavailable, or not sufficiently diligent in performing tasks, or attending Committee meetings.

5. PUBLICATION AND CONFIDENTIALITY

- 5.1. Disclosure of Committee Names.** The names of voting Members shall be made available upon request to the JAJEC Chair or Co-Chairs by the Candidate.

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 or Co-Chairs, 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. Upon receipt of such materials, the Chair or Co-Chairs will send to the Candidate a letter which states the following:
 - 5.2.1.1. the Candidate's interview date, time, and location;
 - 5.2.1.2. 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;
 - 5.2.1.3. a brief explanation of the JAJEC's publication policy;
 - 5.2.1.4. 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
 - 5.2.1.5. a copy of the Rules and Procedures.

5.3. Publication of Ratings

5.3.1. Notice to the Candidate

- 5.3.1.1. Within two days after the Committee issues a rating, the Chair or Co-Chairs shall so notify the Candidate by phone or e-mail.
- 5.3.1.2. Within seven days after the Committee issues a rating, the Chair or Co-Chairs shall send written notice to the Candidate of the Candidate's 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. If a news agency requests the ratings from JAJEC, the Chair or Co-Chairs may grant the request at their discretion once the ratings have been provided to the Candidates and are considered public information under these Rules and Procedures.
- 5.3.2.2. Once the time period for reconsideration has lapsed pursuant to Section 8.2, the ratings shall be considered public information.
- 5.3.2.3. The Asian Specialty Bars shall work together to develop a Joint Spreadsheet reflecting the ratings of JAJEC. The Chair or Co-Chairs shall arrange for publication of the JAJEC ratings or linked thereto on the websites of the Asian Specialty Bars through the website liaison.

- 5.4. Confidentiality.** In order to foster frank and open discussions within the JAJEC rating and evaluation process, Members shall keep confidential all information disclosed by the Candidates, references, and through discussions in the interview, evaluation, and rating proceedings of JAJEC. All inquiries regarding ratings and procedures shall be referred to the Chair or Co-Chairs, 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 or Co-Chairs, or delegated minority bar representative receives the Candidate's materials (see Rule 5.2.1) and a properly executed Waiver of Liability (see Appendix A) and sends out the information in 5.2 to the Candidate.
- 6.1.2. Upon receipt of a Candidate's official request, the Chair or Co-Chairs 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 or Co-Chairs should notify the Candidate and request supplementation. The Chair or Co-Chairs should advise the Candidate of the effects of incomplete information as described in 7.8.

6.2. **Reference Checks**

- 6.2.1. The Chair or Co-Chairs, or a delegated minority bar representative, shall divide the reference checks among the Members attending the evaluation session.
- 6.2.2. The Chair or Co-Chairs, or a delegated minority bar representative, should make best efforts to check references from each category (e.g., prior opposing counsel, appearing counsel, non-attorney references, etc.), with priority given to opposing counsel and counsel listed in the most significant litigation sections.

- 6.2.3. 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.
- 6.2.4. Each Member who volunteers for reference checks shall contact their specified references before the Candidate interview. If a Member cannot do so, they shall immediately notify the Chair or Co-Chairs so that the Chair or Co-Chairs may reassign the reference checks to other Members.

6.2.5. Interviewing References

- 6.2.5.1. When contacting a reference, the Member shall identify themselves and explain that they are calling on behalf of the Washington State Joint Asian JEC and any other judicial evaluation committees that may be coordinating with JAJEC with respect to references.
- 6.2.5.2. The Member shall indicate the Candidate for whom they are calling and advise the reference that all information shall be kept confidential by JAJEC and the other judicial evaluation committees that are participating.
- 6.2.5.3. When interviewing a reference, the Member shall ask for specific, factual examples regarding a Candidate, rather than relying on the reference's opinion.
- 6.2.5.4. Hearsay shall not be considered. If a reference reports relevant information that they have heard from another source, the Member shall make every effort to contact that source directly.
- 6.2.5.5. Rating scales, such as on a "1-10" basis, shall not be used.
- 6.2.5.6. The Committee may use a standard reference check form to conduct reference checks at the discretion of the Chair or Co-Chairs.

6.3. Candidate Interview

- 6.3.1. The Chair or Co-Chairs shall convene each interview, unless the Chair or Co-Chairs is/are absent and/or has recused themselves in whole or in part, in which case an individual delegated by the Chair or Co-Chairs shall convene the interview.
- 6.3.2. Each interview shall be at least 20 minutes in length and may be adjusted at the discretion of the Chair or Co-Chairs. The Chair or Co-Chairs 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 should be raised among the Committee before the Candidate's interview. If the matter will be considered in the rating, at the Chair's or Co-Chairs' discretion, the Candidate should be allowed to address those issues.
- 6.3.5. The Chair or Co-Chairs shall advise the Candidate when the interview is coming to a close and shall invite the Candidate to make any closing remarks they wish.
- 6.3.6. The Chair or Co-Chairs shall review and approve, as necessary, reasonable requests from the Candidate as to the interview (e.g., requests for reasonable accommodations, location of the interview, etc.).

6.4. Evaluation

- 6.4.1. Discussion and voting should occur immediately after the interview sessions.
- 6.4.2. Each Member should give their reference reports immediately after the interview sessions.
- 6.4.3. Only information based upon personal knowledge of the source shall be considered.
- 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 Section 9.
- 6.4.6. 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 a simple majority vote of the Members present constituting a quorum, as long as, a minimum of four votes have been cast in favor of the rating.
- 6.5.1.4. Voting may be made 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 Section 7, 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 Section 7, 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 Section 7, then the Members shall vote on whether the Candidate is "Exceptionally Well-Qualified."

- 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 simple 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. Explanation of Ratings. A Candidate may be rated “Not Qualified,” “Qualified,” “Well-Qualified,” or “Exceptionally Well-Qualified” based on the criteria set forth below. A Candidate may also be rated “Insufficient Information to Rate,” “Withdrawn Before Rated,” or “Rating Withdrawn at Candidate’s Request” if the Candidate satisfies the requirements set forth below.

7.2. 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:

- 7.2.1. Maturity, integrity, courtesy, intellectual honesty, fairness, good judgment, humility, curiosity, and common sense.
- 7.2.2. A demonstrated commitment to equal justice under the law and increasing accessibility of the legal system, and fairness and open-mindedness with sensitivity to and respect for all persons, regardless of race, color, sex, gender and gender identity, sexual orientation, national origin, ancestry, religion, political ideology, creed, age, marital status, or disability. This commitment and sensitivity can be evidenced by the individual's involvement in community affairs and activities, professional practice, and personal and professional background.
- 7.2.3. Thorough understanding of and demonstrated commitment towards eliminating systemic bias in the legal system.
- 7.2.4. The courage and ability to make difficult decisions.
- 7.2.5. The competence, ability, and 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.
- 7.2.6. The aptitude to work with a wide variety of subject matter.
- 7.2.7. Demonstrated diligence and excellence in legal work and practice.
- 7.2.8. Demonstrated leadership in the profession and willingness to grow.
- 7.2.9. The ability to communicate clearly and effectively, orally and in writing, with attorneys, litigants, witnesses, and jurors.
- 7.2.10. Interest and commitment to working with other judges, court administrators, and community stakeholders to improve the administration of justice.

- 7.3. Exceptional Criteria.** The exceptional criteria for rating Candidates are the same, and consist of the following factors, which are not listed in any order of priority:
- 7.3.1. Singular accomplishments in professional practice, academic training, judicial career, or contributions to the profession.
 - 7.3.2. Exceptional litigation, judicial, or administrative experience.
 - 7.3.3. Outstanding personal and professional integrity, independence, courage or commitment to fairness in the administration of justice.
 - 7.3.4. Significant public or community service.
 - 7.3.5. Notable life experiences or introspection manifesting thought about fairness, justice, and equality.
 - 7.3.6. Exceptional legal writing skill.
 - 7.3.7. Ability to make difficult decisions in demanding situations.
- 7.4. "Not Qualified."** A Candidate may be rated "Not Qualified" if the Candidate has not satisfied the basic criteria or if there are other reasons for concern.
- 7.5. "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.
- 7.6. "Well-Qualified."** A Candidate may be rated "Well-Qualified" if the Candidate demonstrates a level of skill, experience, sound judgment, and excellence in their 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 at least four of the exceptional criteria.
- 7.7. "Exceptionally Well-Qualified."** A Candidate 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 satisfying all of the exceptional criteria.
- 7.8. "Insufficient Information to Rate."** If a Candidate has been provided with a full and complete opportunity to provide timely information and, despite that opportunity, the Committee concludes by simple majority vote that it does not have sufficient information to rate the Candidate, the Committee shall place the Candidate in the category "Insufficient Information to Rate."
- 7.9. "Withdrawn Before Rated."** If the Candidate notifies the Chair or Co-Chairs that the appointment has been filled or the election campaign has been cancelled before a Candidate has been notified of their rating, the Committee shall place the Candidate in the category "Withdrawn Before Rated" and such information will be published pursuant to Section 5.
- 7.10. "Rating Withdrawn at Candidate's Request."** If a Candidate has received notice of their rating and the Candidate requests the rating withdrawn during the effectiveness

period set forth in 7.12, 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 either actively seeking an appointment for a seat for which the Governor has announced an upcoming vacancy or running for election. Until and unless a Candidate requests their rating be withdrawn, the rating shall be published as set forth in Section 5.

7.11. If a Candidate has been placed in the "Rating Withdrawn at Candidate's Request" but then subsequently 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 7.12.

7.12. 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 the date the rating was issued.

7.12.1. Reconsideration Initiated by Committee. The Committee, on motion from any of the Members rating such Candidate, may determine by simple majority that the rating should be reconsidered.

7.12.2. 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.

7.13. A Candidate shall not be rated if the Candidate has served as a member of JAJEC 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 voting Member from that interview session. 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 considered 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 simple 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. A motion for reconsideration must be made within 5 days of the interview meeting, and reconsideration must be completed within 10 days of the interview meeting.

8.3. Reconsideration Requested 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 or e-mail notice of their 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. Provided the requirements of 8.3.1 have been met, the voting Committee present at a Candidate's interview, by simple 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. A reconsideration by the Candidate must be completed within 14 days of the request from the Candidate.

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 once published.

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 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 as counsel in litigation where the Candidate is the decision maker in a substantive ruling, 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; 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 so 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, 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 Co-Chairs at the earliest possible date so as not to disrupt the JAJEC work timetable. After discussion, the Chair or Co-Chairs 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 their 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 or Co-Chairs 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 a Chair or a particular Co-Chair, then the Vice Chair or the other Co-Chair shall assume the responsibility of the Chair or the particular Co-Chair.
- 9.3.3. Once a determination is made, the Chair, Co-Chairs, and/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 or Co-Chairs, and Members may ask for alternates, or the Chair or Co-Chairs, 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 Section 4.

10. RECORDS

- 10.1.** Committee records shall be limited to a single official file to be maintained by the Chair or Co-Chairs. The file shall be kept confidential and shall include the following materials:
- 10.1.1. One copy of the completed questionnaire or application furnished by each Candidate, the Candidate's resume, the Candidate's writing sample, 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; and
 - 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.** Records should be maintained for five years. The Joint Spreadsheet pursuant to 5.3.2.3 should be maintained for as long as ratings are current.
- 10.3.** A list of ratings for Candidates with their ratings and date issued shall be maintained for a minimum of ten years.
- 10.4.** Members shall destroy all notes of reference interviews after the time period for reconsideration (see Section 8) has lapsed.

11. RESOLUTION OF ISSUES NOT COVERED HEREIN

- 11.1.** 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 or Co-Chairs 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 Committee may refer to the King County Bar Association Judicial Candidate Evaluation Committee Rules and Procedures for guidance.

- 11.4** On motion from any Member of JAJEC, the JAJEC Committee may discuss changes to the Rules and Procedures governing the operations of JAJEC. The JAJEC Committee may make recommendations to their respective Asian Specialty Bars to amend or revise the Rules and Procedures governing the operations of JAJEC with a majority vote of the JAJEC Committee.
- 11.5** At any time, any Member of JAJEC may make recommendations to their respective Asian Specialty Bars to amend or revise the Rules and Procedures governing the operations of JAJEC, provided that the JAJEC Committee Chair or Co-Chair is provided written notice at least seven days in advance and an opportunity to provide a written comment that will accompany any such recommendation.

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Appendix A

WAIVER OF LIABILITY

I agree to hold the Washington State Joint Asian Judicial Evaluation Committee along with its member organizations (*i.e.*, the Asian Bar Association of Washington, Filipino Lawyers of Washington, Korean American Bar Association of Washington, South Asian Bar Alliance of Washington, the Vietnamese American Bar Association of Washington, and the Middle Eastern Lawyers Association of Washington) (collectively "JAJEC") and any of its representatives harmless from any claims and/or liability arising out of any judicial evaluation rating issued by JAJEC or from any statement made by or on behalf of JAJEC concerning any such rating conducted pursuant to the procedures adopted by JAJEC. The undersigned acknowledges that the ratings can include "Not Qualified," "Qualified," "Well-Qualified," "Exceptionally Well-Qualified," "Insufficient Information to Rate," "Withdrawn Before Rated," and "Rating Withdrawn at Candidate's Request" and that they have voluntarily requested a judicial evaluation and rating from JAJEC. The undersigned understands that JAJEC's ratings are published on the Judicial Evaluation pages of the member organizations' websites and that JAJEC may issue a news release or otherwise make public information regarding the Candidate's final rating.

NOTICE: A tentative time for your interview will be set after you have submitted the required materials as identified by the JAJEC Rules and Procedures. The interview time will not be finalized until such time as the JAJEC chairperson receives this executed Waiver. In any event, an interview and evaluation process will not be completed by JAJEC without a signed execution of this Waiver.

Name of Judicial Candidate (print)

Signature of Judicial Candidate

Date

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

AUTHORIZED OFFICERS:



Asian Bar Association of Washington
Print Name: **John Fetters**
Office: **President**

Dated: 01/15/21

Filipino Lawyers of Washington
Print Name: _____
Office: _____

Dated: _____

Korean Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

Middle Eastern Law Association of Washington
Print Name: _____
Office: _____

Dated: _____

South Asian Bar Alliance of Washington
Print Name: _____
Office: _____

Dated: _____

Vietnamese American Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

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

AUTHORIZED OFFICERS:

Asian Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

John S. Laney

Filipino Lawyers of Washington
Print Name: John S. Laney
Office: President

Dated: March 1, 2020

Korean Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

Middle Eastern Law Association of Washington
Print Name: _____
Office: _____

Dated: _____

South Asian Bar Alliance of Washington
Print Name: _____
Office: _____

Dated: _____

Vietnamese American Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

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

AUTHORIZED OFFICERS:

Asian Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

Filipino Lawyers of Washington
Print Name: _____
Office: _____

Dated: _____



Korean Bar Association of Washington
Print Name: Michelle Su
Office: President

Dated: 1/4/2021

Middle Eastern Law Association of Washington
Print Name: _____
Office: _____

Dated: _____

South Asian Bar Alliance of Washington
Print Name: _____
Office: _____

Dated: _____

Vietnamese American Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

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

AUTHORIZED OFFICERS:

Asian Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

Filipino Lawyers of Washington
Print Name: _____
Office: _____

Dated: _____

Korean Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

Dua Abudiab

Middle Eastern Law Association of Washington
Print Name: Dua Abudiab
Office: JAJEC Co-Chair

Dated: 1/13/21

South Asian Bar Alliance of Washington
Print Name: _____
Office: _____

Dated: _____

Vietnamese American Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

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

AUTHORIZED OFFICERS:

Asian Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

Filipino Lawyers of Washington
Print Name: _____
Office: _____


Dated: _____

Korean Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

Middle Eastern Law Association of Washington
Print Name: _____
Office: _____

Dated: _____



South Asian Bar Alliance of Washington
Print Name: SANDIP SOLI
Office: PRESIDENT

Dated: MARCH 1, 2021

Vietnamese American Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

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

AUTHORIZED OFFICERS:

Asian Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

Filipino Lawyers of Washington
Print Name: _____
Office: _____

Dated: _____

Korean Bar Association of Washington
Print Name: _____
Office: _____

Dated: _____

Middle Eastern Law Association of Washington
Print Name: _____
Office: _____

Dated: _____

South Asian Bar Alliance of Washington
Print Name: _____
Office: _____

Dated: _____

Maria Williams
Vietnamese American Bar Association of Washington
Print Name: **Maria Williams**
Office: **Co-President**

Dated: 01/31/2021