

AKRON BAR ASSOCIATION
BYLAWS FOR THE
COMMISSION ON JUDICIAL CANDIDATES
(As Amended 2018)

1. Purpose

In recognition that lawyers have “a special responsibility to aid in the selection of only those (judges) who are qualified,” the Commission on Judicial Candidates (Commission) is hereby established by the Akron Bar Association. The purpose of the Commission shall be to evaluate persons who are candidates for the offices of Municipal Judge, Common Pleas Judge, and Ninth District Court of Appeals Judge, and to publicize the ratings given to the candidates for those offices. The Commission shall also attempt to gather information for consideration by appropriate persons regarding the qualifications of applicants for Federal District or Circuit Court appointments in Ohio when directed to do so by the Board of Directors. In all matters, the Commission shall not allow any irrelevant or impermissible factor such as race, religion, gender, national origin, or other similar matters to influence its decision. Further, the Commission shall conduct their evaluations without regard to political party. (Amended January 2012)

2. Organization

(a) The Chair and Vice-Chair of the Commission shall be appointed in compliance with the Akron Bar Association’s Code of Regulations Article 1X, Section 2. Following appointment, commencing with January 1, 2019 terms of two (2) and three (3) years will apply to the respective offices. Thereafter when a vacancy occurs or a term expires, the terms will be three (3) years for the Chair and Vice-Chair. Each term will begin on January 1 following approval of such appointment by the Board of Directors. If the Chair resigns, is disqualified, or is otherwise unable to serve, the Vice-Chair shall succeed the Chair. Then, as soon as practical, a new Vice-Chair shall be selected by the President of the Bar Association and subject to approval by the Board, who will complete the then unexpired term. And, when a Vice-Chair vacancy occurs, the President will likewise appoint a new Vice-Chair subject to Board approval, to complete the unexpired term. (Amended January 2012, May 2015, May 2017 and May 2018)

The Chair and Vice-Chair of the Commission shall have been in the practice of law for not less than twelve years, shall have previously served at least one year on the Commission, and shall have had opportunities for significant interaction with the Summit County bench. (Amended May 2015) In the absence of both the Chair and Vice-Chair, the President may appoint a Commission member to act as Chair during that meeting. (Amended May 2015, May 2017 and May 2018)

(b) The Commission shall consist of twenty-seven individuals, who must be members of the Akron Bar Association, in addition to the Chair and Vice-Chair and the ex-officio members described in 2(f) below. (Amended January 2012, May 2015, May 2017 and May 2018) Excluding the ex-officio members, not more than 50% of the total membership of the Commission shall be members of any one political party. Best efforts shall be made to constitute the membership with an identical number of Democrats and Republicans. Further, a good faith effort shall be made to appoint lawyers to serve on the Commission who will reflect the diversity of the Bar in terms of race, gender, practice specialty, firm size, and other relevant matters. Beginning with 2018, appointments for terms commencing January 1, 2019 and thereafter will be made as follows:

- The President of the Bar Association shall nominate nine individuals (not counting the Chair and Vice-Chair), as terms expire;
- Six individuals who regularly practice before the municipal courts in Summit County shall be nominated by a majority vote of the Common Pleas, Appellate, and Municipal Courts Committee;
- Six individuals who regularly practice before the Summit County Court of Common Pleas and/or the Ninth District Court of Appeals, shall be nominated by a majority vote of the Common Pleas, Appellate, and Municipal Courts Committee;
- Two members shall be nominated by the then current Chair of the Commission, one of whom shall be a member of the then current Board of Directors;
- Two members shall be nominated by a majority vote of the Family Law Section; and,
- Two members shall be nominated by a majority vote of the Probate Law Section.

Any nominee must have been admitted to the practice of law for at least eight years at the time of nomination and shall have had opportunities for significant interaction with the Summit County Bench. All nominations or appointments are subject to ratification by the Board of Directors. Any vacancy occurring in the Commission will be filled, for the unexpired term, by

appointment of the President of the Akron Bar Association subject to Board of Director's approval. (Amended, January 1999, June 2004, May 2015, May 2017 and May 2018.)

(c) Each Commission Member shall serve a three-year term, except as provided for the Chair in Section 2(a) for the initial term commencing January 1, 2019. Removal of a Commission Member can occur "for cause" by seventy-five percent (75%) or more vote of the Association's Executive Committee, the Chair and Vice-Chair of the Commission, as decided at a meeting noticed by the President or Executive Director for that purpose. If the Chair or Vice-Chair is subject to removal "for cause," then such individual has no right to attend nor vote at such meeting. "For cause" means:

- Cessation of membership in the Akron Bar Association;
- Charged with a crime involving dishonesty or similar reasons;
- Failure to attend more than two consecutive meetings of the Commission;
- Financially supporting or serving on the campaign committee of any candidate who is being evaluated by the Commission;
- Serving as an officer of a judicial system performing judicial functions as defined in Canon 7 of the Code of Judicial Conduct;
- Making any public expression of support for a candidate being rated by the Commission, including posting yard signs, promoting a candidate, or making statements of support in public writings, campaign web pages, or other campaign social media;
- Disruptive behavior at a Commission meeting;
- Engaging in conduct that would adversely reflect on the Commission;
- Being the subject of a grievance certified by the Commission on Professional Conduct;
- Being an officer in any political party including executive, chair, vice-chair, secretary, or treasurer; and,
- Any other conduct which adversely reflects upon the independence of the Judicial Commission. (Amended May 2018)

(d) While serving on the Commission, no member shall provide financial support to or serve on the campaign committee of any candidate who is being evaluated by the Commission or serve as an officer of a judicial system performing judicial functions as defined in Canon 7 of the Code of Judicial Conduct. (Amended, December 1995.)

In addition, while serving on the Commission, members of the Commission shall not make any public expression of support for a candidate being rated by the Commission, including posting yard signs promoting a candidate or making statements of support in public writings, campaign web pages, or other campaign social media.

(e) No more than two attorneys may serve as members of the Commission (including the Chair and Vice-Chair) at the same time from: (i) any one law firm; (ii) any public office such as but not limited to a municipal law department; or (iii) a county's prosecutor's office. (Amended May 2018)

(f) The President, President-Elect, and Immediate Past President of the Association shall be ex-officio, non-voting members of the Commission. (Amended January 2012)

(g) Commission members shall exercise discretion in determining whether to abstain from evaluating any candidate if, in the Commission member's determination, the member cannot fairly and impartially rate the candidate or the member reasonably believes that circumstances exist that make the appearance of impartiality impractical to achieve. If a member of the Commission determines to abstain from the evaluation of any given candidate, that member shall not be present for or participate in the questioning, deliberations, or voting related to that particular candidate and his or her opponent. Commission members are encouraged to consult with the Commission Chair and/or Vice-Chair regarding any abstention issues. (Amended January 2012, May 2015, May 2017 and May 2018)

3. Duties

(a) For a general election of one or more of the judges set forth above, the Commission shall study and evaluate each candidate for each office; provided, however, if an election is uncontested, the Commission will not study and evaluate that candidate unless such candidate expressly requests the Commission to do so. The Commission shall make every effort to begin its process of evaluation of candidates immediately following the deadline for filing for candidates in the general election, and shall complete its work no later than 30 days prior to the date of the general election date. (Amended January 2012, May 2018 and August 2020)

(b) In its study and evaluation, the Commission shall evaluate each candidate based on the following criteria:

INTEGRITY. A candidate should be of undisputed integrity, including moral courage and freedom from influence by political considerations, and shall demonstrate appropriate conduct in campaigns for elected office. (Amended January 2012)

LEGAL KNOWLEDGE AND ABILITY. A candidate should possess a high degree of knowledge of established legal principles and procedures applicable to the judicial office to which that person seeks election and have a high degree of ability to interpret and apply them to specific factual situations. (Amended January 2012)

PROFESSIONAL EXPERIENCE. A candidate shall be a licensed lawyer in good standing and have appropriate experience for the judicial office sought. (Amended January 2012)

JUDICIAL TEMPERAMENT. A candidate should possess a judicial temperament, which includes common sense, compassion, decisiveness, firmness, humility, open-mindedness, patience, tact, and understanding.

DILIGENCE. A candidate should be diligent and punctual.

PERSONAL RESPONSIBILITY. A candidate should be responsible in his or her personal life, including being financially responsible, abiding by the laws of this state and this country, and being committed to fulfillment of tasks and duties assigned in past positions.

PUBLIC AND COMMUNITY SERVICE. Consideration should be given to a candidate's previous service, including professional activities, public service, and civic and community activities.

With respect to each standard, each candidate shall submit whatever materials (including decisions, writings, publications, and letters of reference) seem to the candidate relevant to the standards. Each candidate shall respond to a questionnaire and appear before the Commission to be interviewed about their qualifications for judicial office. The Commission should encourage Bar Association members who are not members of the Commission to participate in the process by writing the Commission Chair and Vice-Chair with any appropriate questions or information on judicial candidates to be reviewed. Interviews shall be conducted in accordance uniform procedures to be established by the Chair with input from the Vice-Chair. (Amended, January 1999, June 30, 2004, March 29, 2005, January 2012, May 2015, May 2017 and May 2018.)

(c) Each Commission member shall be expected to attend each interview session, including the initial organizational meeting, and remain for all interviews. (Amended January 2012)

(d) Upon completing its study, evaluation and interview of each candidate, the Commission shall, by secret vote of all voting members present, including the Chair and Vice-Chair, determine whether, for the office being sought, a candidate shall receive a rating of one of the following:

- “Excellent”
- “Good”
- “Adequate”
- “Not Acceptable”

(Amended May 2015 and May 2018)

During deliberations, there shall not be discussion of individual cases or instances of conduct on the part of a candidate unless the candidate has first been given an opportunity to comment or respond. (Amended January 1999.)

(e) The Commission shall first determine whether a candidate shall be rated “Adequate” or “Not Acceptable.” A vote of the majority of the voting members present shall be required to receive a rating of “Adequate.” If a candidate is not determined to be “Adequate” by vote of the Commission, the candidate shall be rated “Not Acceptable.” (Amended May 2015 and May 2018)

If the candidate is determined to be “Adequate” after the first ballot, a second ballot shall be taken to determine whether the candidate is “Adequate” or “Good.” A majority vote of members present shall be required to obtain the rating of “Good.” If a candidate is not determined to be “Good,” the candidate shall be rated “Adequate.” (Amended May 2015.)

If the candidate was determined to be “Good” by a vote of the Commission, a third ballot shall be taken to determine whether the candidate shall be rated “Good” or “Excellent.” If two-thirds of the voting members present vote to confer the rating of “Excellent,” the candidate shall receive a rating of “Excellent.” If less than two-thirds of the voting members present vote to rate the candidate “Excellent,” the candidate shall receive a rating of “Good.” (Amended May 2015 and May 2018)

(f) Each voting member shall be entitled to one vote per ballot and the Commission shall make such determinations individually as to each candidate and without regard for the rating of any other candidates for the same office. The Commission may award more than one “Not Acceptable,” “Adequate,” “Good,” or “Excellent” rating to candidates for a single office. There shall be no vote by proxy. Except as otherwise stated in 3(a) above, any candidate who refuses to

participate in the evaluation process shall be rated “Not Acceptable”. (Amended May 2015, May 2018 and August 2020)

(g) Such ratings shall be completed by the Commission as promptly as possible.

(Amended May 2018)

(h) The Commission shall thereafter communicate such results to the candidates and release the rating to the news media. To the extent possible, the rating provided to a candidate shall be communicated to that candidate at the conclusion of the deliberations for all candidates before the ratings are provided to the media and published on the Association’s web page. The Commission shall also advise the news media of the procedure and standards followed in making such determinations, including the vote required. With the release of the ratings to the candidates and the media, the Commission shall have no further involvement in reviewing or revising rating of the candidates for that campaign cycle. (Amended May 2015)

(i) Following this release to the news media, the candidates shall be permitted to refer to the ratings in their campaigns so long as they accurately describe the rating received by them or their opponents. (Amended May 2015)

A candidate for judicial office has a duty and responsibility to refer to ratings accurately. Non-compliance in reference to ratings could result in reconsideration of the candidate’s rating by the Association as determined by two-thirds or greater percentage vote of the Association’s Executive Committee, and Chair and Vice-Chair of this Commission in a meeting called by the President or the Executive Director for that purpose. (Added January 2012; amended May 2015 October 2017 and May 2018.)

(j) When a vacancy arises on any Court listed above that is to be filled by Gubernatorial appointment, the Chair and Vice-Chair of the Commission on Judicial Candidates shall immediately notify the Governor that the Commission stands ready to review the qualifications of persons being considered for appointment and to report its recommendation(s) to the Governor in confidence. If the Governor submits one or more names for evaluation, the Chair and Vice-Chair shall immediately notify the members of the Commission, who shall then proceed in accordance with 3(a), 3(b), and 3(c) of these rules. When the Commission has arrived at its rating for each candidate, the Chair and Vice-Chair shall report that rating in confidence to the candidate and to the Governor. (Amended May 2015 and May 2018)

(k) When requested by the Board of Directors, the Chair shall seek the assistance of Commission members in gathering information about those being considered for Federal District

Court or Circuit Court appointments in Ohio. The Chair and Vice-Chair will suggest appropriate information and appropriate places for Commission members to report their findings. The Commission may adopt additional procedures to facilitate this process. (Amended May 2018)

Quorum and Absence from Meetings. Not less than 15 Members of the Commission counted at the beginning of a meeting constitute a quorum for the determination of each candidate's rating. (Amended May 2018)

Confidentiality of Proceedings. All proceedings of the Commission shall remain confidential and only voting and ex-officio members of the Commission and a staff representative of the Association shall be admitted to its meetings, unless invited by the Commission by a two-thirds vote. (Amended May 2018)

Any session in which a candidate or other person may be interviewed shall be confidential and shall be closed to all non-members except the person being interviewed and such Association staff personnel as may be designated by the Commission to record the Commission's proceedings. Only members of the Commission shall be present during the deliberations and voting on any candidates' qualifications. If applicable, the Chair and Vice-Chair shall inform the Commission prior to any vote regarding how the candidate has been rated by the Commission previously. Following a vote, the Commission shall be informed of the results by the Chair and Vice-Chair, but no disclosure of the actual numerical vote is permitted. (Amended May 2018)

Adopted by the Board of Directors of the Akron Bar Association,
August 27, 1991, and amended February 25, 1992, November 28, 1995,
June 30, 1998, January 27, 1999, June 30, 2004, March 29, 2005, June 23, 2010, January 25, 2012,
May 27, 2015 and May 2018.