NORTH CAROLINA BAR ASSOCIATION
STANDING COMMITTEE
ON THE STATE APPELLATE JUDICIARY

The Bar’s webpage may be accessed at: http://www.ncbar.org
In 1953, the American Bar Association created the Standing Committee on the Federal Judiciary to evaluate the professional qualifications of federal judicial nominees and to submit its evaluations to the President, and if the President goes forward with the nomination, to the United States Senate Judiciary Committee. North Carolina’s judicial system, by contrast, has no analogous procedure for the evaluation of candidates seeking appointment or election to the bench. A Standing Committee on the State Appellate Judiciary to evaluate potential justices for the North Carolina Supreme Court and potential judges for the North Carolina Court of Appeals would enhance the process by which North Carolina selects its appellate judges and increase citizen knowledge of the qualifications for those seeking to serve on State’s appellate bench. The Committee would evaluate the professional competence, integrity, and judicial temperament of each candidate so as to promote an appellate judiciary of quality and integrity by providing independent, comprehensive, and fair evaluations of all candidates. Evaluation and rating by this Committee would be an option, not a requirement, for all appellate judicial candidates, whether the candidate is running for election or pursuing a gubernatorial appointment to the appellate bench.

This paper outlines the composition of and the process for a North Carolina Bar Association Standing Committee on the State Appellate Judiciary. This proposal, prepared by the Association’s Committee for Judicial Independence, draws primarily from the federal judiciary process, as well as from similar processes used in other states.

The Committee for Judicial Independence has considered whether its evaluation should include the Trial Division of the State Judiciary. For two reasons, the Committee recommends the Committee’s work focus on the Appellate Division. First, the Bar Association’s Committee for Judicial Performance Evaluation now reviews, through a survey process, those serving on the Superior and District Courts, as well as those running for election to those courts. Second, the number of candidates and incumbents in the Trial Division is so large that the Committee determined that limiting review to candidates for the Appellate Division was the better course for the initial phase of the Standing Committee’s service.
I. INTRODUCTION

A. Committee Structure

The Standing Committee will consist of 25 members.

Five members of the Committee will be former judges and justices. The remaining 20 members of the Committee will be practicing attorneys, including a chair. The President of the North Carolina Bar Association will appoint the chair for a three-year term. The chair will be eligible for one additional three-year term.

There will be at least two members from each of the eight divisions of the North Carolina Judicial Court Districts. The President of the North Carolina Bar Association, in consultation with the immediately preceding two past presidents, will appoint all committee members for staggered three-year terms. To implement staggered terms, one-third of initial committee members will be appointed to one-year terms, one-third to two-year terms and one-third to three year terms. A committee member appointed to a one-year term or to fill a vacancy for a term with no longer than one year remaining will be eligible to serve two additional terms of three years. All other committee members are eligible for reappointment to one term following their first term of service. Each succeeding President will appoint eight new members to the Committee to replace expiring members. The President will also appoint members to fill vacancies that may occur on the Committee.

B. Qualifications of Committee Members.

The President will appoint individuals who have demonstrated a commitment to the highest standards of the legal profession and to securing a judiciary independent of partisan influence. The President will seek to appoint a cross-section of the bar reflecting the diversity of the legal profession and the varied professional experiences and backgrounds of members of the bar.

C. Focus of the Evaluation

To conduct its evaluation of each candidate, the Committee will focus on professional qualifications: professional competence, integrity, and judicial temperament. The Committee will not consider a candidate’s political affiliation or ideology.

The Committee shall seek to provide impartial evaluations of the professional qualifications of candidates to assist the Governor and the electorate in choosing those who will serve in our state’s judiciary. The Committee will submit its final rating to the Bar Association for the issuance of a rating report that will be available to the public 60 days prior to a judicial election. The Committee will not propose or endorse candidates to the judiciary.

D. Committee Members’ Neutrality and Independence

The neutrality and independence of the Committee, and of each of its members, are the foundation of its service. The Bar Association’s officers will not be involved in any way in the work of the Committee.
Furthermore, no disclosures regarding the Committee’s substantive work will be made to Association volunteers or staff, including the President of the Association. Its work shall be insulated from, and independent of, all other activities of the Bar Association.

To preserve the independence of the Committee, no member will be an officer of the Association or the Board of Governors while serving on the Committee.

Any Committee member who appears before the Court of Appeals or Supreme Court shall disclose by letter to the clerk of the respective court, with copies to counsel of record, the Committee member’s participation in any sitting judge’s or justice’s evaluation within a year of that judge’s investiture. For example, if Judge A was invested in year one and Committee member A appeared in Judge A’s court within the year, disclosure would be required. However, no disclosure would be required in year two, except that, if Judge B was evaluated in year two. This scenario requires that Committee member A would have to disclose participation in the evaluation of both Judge A and Judge B. The disclosure obligation will apply only to the committee member, not to other attorneys in the member’s firm.

While serving on the Committee and for one year thereafter, each member shall not (a) participate in, or contribute to, any state election campaign for judicial office, including without limitation hosting any fund-raiser or endorsing any candidate for any judicial office; or (b) seek state appellate judicial office. One year after a Committee member’s service has concluded, a Committee member may fully participate in any political process related to judicial selection provided that the Committee member does not refer to that Committee member’s service during those activities.

E. Confidentiality

A cornerstone of the Committee’s evaluation process is confidentiality. The Committee will maintain confidentiality of its internal evaluation materials and reports. These materials and reports will not be disclosed to anyone other than committee members.

The Committee will not use or consider information provided by anonymous sources. All interviewees who wish to have their comments regarding a judicial candidate considered by the Committee will agree to the disclosure of their identity, but only to committee members. The assurance of confidentiality given to each interviewee by the Committee is essential to its ability to obtain candid assessments of a judicial candidate’s professional qualifications. The Committee will maintain the confidentiality of the identity of all judges, lawyers, and other individuals who provide information regarding the professional qualifications of a judicial candidate unless the interviewee agrees to waive confidentiality.

II. EVALUATION OF JUDICIAL CANDIDATES

A. Evaluation Procedures/Voluntary Participation

Within five days of declaring his or her candidacy for election or nomination for appointment, a candidate for a position in
the North Carolina appellate judiciary who wishes to receive a rating from the Committee will advise the chair of the Committee of his or her intention to participate in the evaluation process. Participation in the evaluation is voluntary.

The chair will send each candidate a comprehensive questionnaire that seeks information related to the candidate’s professional competence, integrity, and judicial temperament, and a waiver form to permit review of disciplinary records. The candidate will return the completed questionnaire and signed waiver form to the chair of the Committee who will forward both documents to a member of the Committee the Chair has appointed as evaluator for that candidate and to the committee members.

The evaluator’s receipt from the chair of the candidate’s questionnaire and the signed waiver form will mark the starting point for the evaluation process. The evaluator will make extensive use of the candidate’s responses to the questionnaire in the evaluation process. Accordingly, the prompt submission of thorough and accurate responses to the questionnaire will be critical to the timeliness of the evaluation.

The evaluator will identify and review reported and unreported court decisions of cases in which the candidate was counsel or served as a judge. The evaluation will also review publications, speeches, hearing and argument transcripts, articles, and other writings by or involving the candidate, and any available materials relating to any prior evaluations of the candidate by the Committee. The evaluator will conduct interviews with lawyers, judges or justices, law school professors, community leaders, and other individuals who have personal knowledge of the candidate’s relevant qualities as a judge or justice. The evaluator will use the candidate’s signed waiver form to obtain information regarding any disciplinary actions or proceedings involving the candidate.

The evaluator will conduct any interviews or follow-up inquiries warranted after receipt of such materials.

Every evaluation will include a personal interview of the candidate by the evaluator. The interview, attended only by the evaluator and candidate, will take place near the end of the evaluation after most of the interviews with lawyers, judges and community members are complete.

Although confidentiality is essential to the Committee’s evaluation, the Committee seeks fairness with respect to adverse comments received during the evaluation. If adverse comments are made about the candidate, the evaluator will disclose to the candidate during the personal interview as much of the underlying basis and context of the adverse comments as reasonably possible, consistent with the promise of confidentiality made to interviewees. Also, the evaluator will discuss with the candidate any adverse comments that are a matter of public record or otherwise already known by the candidate. If someone who has not waived confidentiality has made an adverse comment about the candidate, and if disclosure of the substance of that adverse comment to the candidate would necessarily compromise the promise of confidentiality...
given to the source of the comment, the evaluator will not report the comment to the candidate and it will not be revealed to, or considered by, the Committee in its evaluation and rating of the candidate.

During the personal interview, the candidate will have a full opportunity to address and rebut any adverse information or comments disclosed by the evaluator, and to respond to any disciplinary issues. If the candidate identifies persons or provides documents or other information that can shed additional light on the adverse comments or the candidate’s professional qualifications, the evaluator will conduct appropriate follow-up interviews and such further investigation as necessary.

If information concerning the health of the candidate that will have bearing on professional qualifications is obtained during the evaluation and taken into consideration, the candidate will also have the opportunity to address any concerns in this regard.

In certain circumstances, one or more current or former members of the Committee will be assigned to an evaluation. For example, if the candidate’s career has extended geographically over more than one division, the chair will ask committee members in each division to conduct the interviews in his or her own division. In these situations, all information will be shared among those who participated in the evaluation.

At the conclusion of an evaluation, the evaluator will prepare a written Informal Report for review by the chair. The Informal Report will set forth a description of the candidate’s background, the identity of each interviewee and a summary of each interview, a summary of the interview with the candidate, including the candidate’s response to any adverse information or comments disclosed by the evaluator, an evaluation of the candidate’s professional qualifications, and a proposed rating. In addition, the evaluator will include the candidate’s questionnaire and copies of other relevant materials, including writing samples, significant cases, and articles by or about the candidate. Materials pertaining to any prior evaluations of the candidate performed by the Committee within the past five years will also be a part of the evaluation material.

The evaluator will submit the Informal Report to the chair, who will review for thoroughness by determining, among other things, that the report covers contact of all disciplinary agencies, reflects an adequate number of individuals with diverse backgrounds, and that the candidate has had the opportunity to address and rebut any adverse information. In sum, the chair will determine that the recommended rating stands on a thorough review of the candidate’s background.

Once the chair reviews and approves the Informal Report for completeness, the chair will direct the evaluator to prepare a Formal Report. The evaluator will send the Formal Report, questionnaire, and copies of other relevant materials considered by the evaluator and previously included in the Informal Report to each Committee member who is not recused from the evaluation.
If a Committee member has any questions concerning the Formal Report and the accompanying materials, he or she will review those questions with the chair, and if necessary, the chair will review those questions with the evaluator and report such questions to the Committee.

B. Details of Evaluation Standards

The Committee’s evaluation of candidates to the North Carolina appellate bench will concentrate on their professional qualifications: professional competence, integrity, and judicial temperament.

“Professional competence” encompasses such qualities as intellectual capacity, judgment, writing and analytical abilities, knowledge of the law, and range of professional experience.

When the Committee evaluates “integrity,” it will consider the candidate’s character and general reputation in the legal community, as well as the candidate’s industry and diligence.

In evaluating “judicial temperament,” the Committee will consider the candidate’s compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias, and commitment to equal justice under the law.

Although civic activities and public service are valuable experiences for a candidate for the bench, they are not a substitute for significant experience in the practice of law. A candidate for the North Carolina appellate bench should have at least twelve years’ experience in the practice of law, or its equivalent. Illustrations of equivalent experience would include service as counsel to legislative or executive officials, in-house counsel, teaching in accredited law schools, and judicial clerks. During the years of practice or its equivalent, the candidate should have demonstrated a high degree of legal scholarship, displaying strong analytical and writing ability.

C. Votes and Recommended Ratings

Each member of the Committee will review the Formal Report and its enclosures. The Committee will then convene by conference call or meeting to discuss the evaluation material prior to the vote on the rating to be given to each candidate.

In addition, prior to any vote on the rating to be given to the candidate, all materials pertaining to any prior evaluations of the candidate performed by the Committee within the past five years will be furnished to committee members for their review.

A candidate may receive one of three ratings from the Committee: “Highly Recommended,” “Recommended,” and “Not Recommended.” Each Committee member may vote to give any of these three ratings to any candidate regardless of the evaluator’s proposed rating in the Report.

To merit a rating of “Highly Recommended,” the candidate must demonstrate outstanding legal ability, broad experience, have earned the highest reputation for integrity, and have demonstrated the capacity for sound judicial temperament.

The rating of “Recommended” means that the candidate satisfies the Committee’s standards with respect to professional
competence, integrity, and judicial temperament, and that the Committee believes that the candidate is qualified to perform satisfactorily all of the duties and responsibilities required of an appellate judge.

When a candidate is found “Not Recommended,” the Committee has determined that the candidate does not meet the Committee’s standards with respect to one or more of its evaluation criteria—professional competence, integrity, or judicial temperament.

The chair will not vote on the rating to be given to a candidate, except in the instance of a tie vote among the members of the Committee.

Each member of the Committee will convey his or her vote to the chair. Once all votes are tallied, the chair will advise, in confidence, the President of the Association of the Committee’s rating. If the Committee has been unanimous in its rating, the chair will so state. Otherwise, the chair will advise the President that the candidate received a certain rating from the Committee, without specifying the vote. The majority rating will represent the Committee’s official rating of the candidate.

D. Appointment of Second Evaluator if “Not Recommended” Is Rating

In any instance in which an Informal Report indicates that the evaluator will propose that a candidate receive a “Not Recommended” rating, the chair will appoint a second evaluator for the candidate. The second evaluator will conduct an independent review of the candidate’s professional qualifications. In such instances, the Informal Report by the first evaluator will not be distributed by the chair to other committee members until the second evaluator has completed his or her evaluation and Informal Report.

The second evaluator will perform a crosscheck of the evaluation conducted by the first evaluator. In addition, after review of the materials and information prepared by the first evaluator, as well as the candidate’s responses to the questionnaire and legal writings, the second evaluator will conduct whatever additional interviews or follow-up inquiries he or she deems necessary. The second evaluator will also conduct a new interview of the candidate in accordance with the procedures set forth in Section II(A). The second evaluator will prepare an Informal Report identifying each interviewee and a summary of the interviews conducted, a summary of the interview with the candidate, and his or her recommended rating for the candidate.

After reviewing the Informal Reports prepared by the first and second evaluators, the chair will direct the evaluators to prepare separate Formal Reports and to send them simultaneously to the committee members (except any member who is recused from the evaluation). Each Committee member will review these Formal Reports and the enclosures and advise the chair of his or her vote concerning the rating for the candidate. The chair will then advise the President of the Association of the Committee’s rating of the candidate pursuant to the procedure stated in Section II(C).
E. Public Release of Committee’s Rating

The North Carolina Bar Association will release the Committee’s rating for all judicial candidates 60 days prior to a judicial election. The public release will be made on the North Carolina Bar Association website and provided to other media outlets to which the Association typically provides reports of the Association’s work.

F. Recusal and Abstention

No Committee member, including the chair, shall participate in the evaluation or vote on the rating of a candidate in any instance in which such participation would give rise to the appearance of impropriety or would otherwise be incompatible with the purposes served and functions performed by the Committee, or where such member’s impartiality might reasonably be questioned.

Any Committee member whose partner, associate or relative is a judicial candidate or who knows of any other disqualifying reason will immediately recuse himself or herself from the evaluation and voting with respect to the election in which the member’s partner, associate, or relative is running. In the event of recusal by the chair, the chair will seek his or her replacement for that particular evaluation by soliciting the service of a former chair. If a former chair is not available to oversee the evaluation in a timely fashion, the current chair will ask a current or former member to serve as chair for the evaluation in question. In such circumstances, the temporary chair will function as the chair in all respects, including not voting on the rating to be given to the candidate.

A recused member will not have access to the Formal Report on the candidate in question and will not vote on the rating for the candidate.

In rare instances, a Committee member may abstain from participating in a vote on a candidate because, for example, sickness or an extended trial or other professional commitment prevents the member from fully considering the Formal Report and evaluating the candidate’s professional qualifications.

III. RE-OPENING OF AN EVALUATION AFTER SUBMISSION OF A RATING

The Committee can re-open an evaluation any time prior to 30 days from nomination for appointment or Election Day if new information of a material nature develops that the chair believes calls for additional re-examination of the prior rating rendered by the Committee. If an evaluation is reopened, the evaluator will follow up promptly on the new information, conduct any additional interviews, including possibly re-interviewing the candidate, and will prepare a new Report and recommended rating of the candidate in accordance with the procedures set forth above in Section II(A). Each Committee member who is not recused will consider the new Report and vote on the rating of the candidate. If the rating differs from the prior rating, the prior rating will be superseded.
IV. WITHDRAWAL FROM EVALUATION PROCESS

If a candidate begins the evaluation process but decides to withdraw prior to the issuance of a rating, the candidate must provide written notice of withdrawal to the chair of the Committee and the evaluator (if known). All information gathered for a candidate who withdraws from the process will be destroyed within 5 days of receipt of the written notification of withdrawal.

The candidate’s withdrawal will be included with the ratings of other candidates released by the Association (See II(E)) should the candidate continue to seek election or nomination for appointment to the appellate bench. The notation will be: “Not rated due to withdrawal.”

V. RETENTION OF RECORDS

The Committee will retain the interview records, questionnaires, and the Formal Report on candidates on a secure server at the NC Bar Association. The Association will delete this material from its server five years after the conclusion of the rating process for each candidate who received a rating.
GOVERNING PRINCIPLES
OF THE STANDING COMMITTEE
ON THE STATE APPELLATE JUDICIARY

The Standing Committee on the State Appellate Judiciary will evaluate the professional qualifications of persons who are candidates for the North Carolina Court of Appeals and North Carolina Supreme Court. The Committee will provide an impartial evaluation of the professional competence, integrity and judicial temperament of each candidate who submits to the Committee’s processes.

In view of the special nature of the function performed by this Committee and the confidence reposed in the Committee’s evaluations, the integrity and credibility of its processes and the perception of these processes are paramount.

No member of the Committee, while serving as a member or within one year following such service, will seek or accept a nomination for appointment to the state bench.

No member of the Committee, including the chair, will participate in the evaluation or vote on the rating of a candidate in any instance in which such participation would give rise to the appearance of impropriety or would otherwise be incompatible with the purposes served and functions performed by the Committee, or where such member’s impartiality might reasonably be questioned.

Because confidentiality and discretion hold importance in the processes of the Committee, only the President of the Association, the President’s designee, or the chair of the Committee will respond to media or general public inquiries or make any statements to the media or general public relating to the work of the Committee.

The President of the Association will take any action necessary to ensure adherence to these principles.

ADOPTED BY NORTH CAROLINA BAR ASSOCIATION
--- 2015
PERSONAL DATA QUESTIONNAIRE
(AS OF --- 2015)

NORTH CAROLINA BAR ASSOCIATION

STANDING COMMITTEE ON THE STATE APPELLATE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL CANDIDATES

PUBLIC

1. NAME:

State full name (include any former names used).

2. POSITION:

State the position for which you seek appointment or election.

3. ADDRESS:

List current office address. If city of residence differs from your place of employment, please list the city and where you currently reside.

4. BIRTHPLACE:

State date and place of birth.

5. EDUCATION:

List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

6. EMPLOYMENT RECORD:

List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.
7. MILITARY SERVICE AND DRAFT STATUS:

Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, and type of discharge received, and whether you have registered for selective service.

8. HONORS AND AWARDS:

List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for meritorious service or achievement.

9. BAR ASSOCIATIONS:

List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices you have held in such groups.

10. BAR AND COURT ADMISSION:

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

11. MEMBERSHIPS:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include civic clubs, social clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

b. The North Carolina Bar Association’s Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.
12. PUBLISHED WRITINGS AND PUBLIC STATEMENTS:

   a. List the titles, publishers, and dates of books, articles, reports, editorial pieces, or other published material you have written or edited, including material published only on the Internet.

   b. Supply of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you have not retained such report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

   c. Supply any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

   d. Supply transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

13. JUDICIAL OFFICE:

State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

   a. Approximately how many cases have you presided over that have gone to verdict or judgment?

      i. Of these, approximately what percent were:

         jury trials? ---------%; bench trials ---------% [total 100%]

         civil proceedings?---------%; criminal proceedings?---------[total 100%]

   b. Provide citations for all opinions you have written, including concurrences and dissents.

   c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted. Describe briefly the nature of the case.

f. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

14. **RECUSAL:**

If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal. Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **PUBLIC OFFICE, POLITICAL ACTIVITIES AND AFFILIATIONS:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

16. **LEGAL CAREER:**

Answer each part separately.
a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you served as a clerk;

ii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

iii. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

i. Indicate the percentage of your practice in:

   1. federal courts;
   2. state courts of record;
   3. other courts
   4. administrative agencies

ii. Indicate the percentage of your practice in:

   1. civil proceedings;
   2. criminal proceedings

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

i. What percentage of these trials were:

   1. jury;
   2. non-jury.

17. LITIGATION:
Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. The date of representation;

b. The name of the court and the name of the judge or judges before whom the case was litigated; and

c. The individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

18. LEGAL ACTIVITIES:

Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

19. TEACHING:

What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

20. PRO BONO WORK:

An ethical consideration under Canon 6.1 of the North Carolina Bar Association’s Code of Professional Responsibility states that “every lawyer has a professional responsibility to provide legal service to those unable to pay.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.
OUTLINE OF CONFIDENTIAL FORMAL
REPORT PREPARED BY EVALUATOR AND
DISTRIBUTED ONLY TO STANDING
COMMITTEE MEMBERS

CONFIDENTIAL FORMAL REPORT

[DATE]

NORTH CAROLINA BAR ASSOCIATION
STANDING COMMITTEE ON THE STATE APPELLATE JUDICIARY

FORMAL REPORT

TO:

[Name of chair]
Chair, Standing Committee on the State Appellate Judiciary

FROM:

[Evaluator]

NAME:

[Name of Judicial Candidate]

COURT:

[Name of Court]

ADDRESS:

[Office Address]
[Home Address]

DATE AND PLACE OF BIRTH:

EDUCATION:

[List of all colleges and universities, degrees, dates of graduation, honors, etc.]
PROFESSIONAL (EMPLOYMENT RECORD):
[List of and description of all professional positions, including law firms, governmental positions, etc., with relevant dates]

BAR AND COURT ADMISSIONS:
[List all jurisdictions and courts in whichever admitted, including dates of admission]

MILITARY SERVICE AND DRAFT STATUS:
[Rank, type of discharge, date of discharge]

DISCIPLINARY HISTORY:
[Description of any disciplinary activity – Candidate’s list disciplinary actions in their questionnaires, and a waiver is obtained so that committee members may verify disciplinary history with appropriate authorities. Evaluators may discuss any disciplinary actions with appropriate representatives of the disciplinary authority and with a candidate.]

MARTINDALE-HUBBELL:
[Martindale rating and summary report on Martindale-Hubbell file.]

NEWSPAPER FILE:
[Review of online, newspaper and print references to a candidate.]

RECOMMENDATION:
[Highly Recommended, Recommended, Not Recommended]

MATRIX OF PERSONS INTERVIEWED
[Evaluators will prepare a table or matrix of all lawyers, judges, and other persons contacted and state whether an interview was conducted. The matrix notes whether the interviewee was identified by the candidate in the questionnaire. This will allow the Committee to readily ascertain whether all persons identified in the questionnaire have been contacted. The Committee will attempt to contact all persons identified by the candidate in the questionnaire.]

SUMMARY OF INTERVIEWS
[This section will provide a full summary of the confidential interviews with every lawyer, judge and all persons contacted concerning the professional competence, temperament, and integrity of the candidate, including full name and description of the interviewee (i.e. name of lawyer, name of firm, city of practice), and a summary of all comments made by the interviewees, both positive and adverse, concerning the candidate. The contacts are questioned about the candidate's knowledge of the law, legal, analytic and reasoning abilities, and judgment, etc. If adverse comments are made, interviewees are asked to identify other sources with personal knowledge of the adverse information. Follow-up is conducted on all adverse comments. Any adverse comments are discussed with the candidate and included in the interview summary. The Committee does not use anonymous or unsolicited information unless it can be confirmed.]
STATE JUDGES:
[Evaluators contact state judges at all levels with knowledge of the professional qualifications of the candidate.]

LAWYERS:
[Lawyers contacted include those listed in the questionnaire (opposing counsel and co-counsel, etc.) and a broad cross section of the bar (those identified through database searches and interviews), law professors, representatives of various bar associations and prominent practitioners with knowledge of the candidate’s professional qualifications.]

OTHERS:
[Interviews may be conducted with non-lawyers, such as court personnel and community members.]

WRITINGS
[This section includes a full description of the writings of the candidate that discuss the candidate’s writing style, clarity, legal analysis, etc. In addition to writing samples provided by the candidate, writings are obtained from public sources such as reporters, LEXIS NEXIS, Westlaw, law reviews and other lawyers. Often a representative sample of the writings will be included with the Formal Report.]

SUMMARY OF PERSONAL INTERVIEW OF CANDIDATE
[This section is a detailed narrative of the interview of the candidate and contains a summary of all matters discussed, impressions of the evaluator, and responses to any adverse comments received during the interview, etc. If the candidate is a judge, special attention is paid to recusal and conflict of interest issues.]

CONCLUSIONS AND RECOMMENDATION
[In this section, the Evaluator will provide conclusions reached from all information gathered and makes a recommendation of Highly Recommended, Recommended, or Not Recommended. The recommendation will be supported by the detailed reasoning of the evaluator, with references to the interviews and writings of the candidate, and will analyze the criteria of professional competence, integrity and judicial temperament.]

EXHIBITS
[Complete Personal Data Questionnaire]
[Other Exhibits (such as Martindale-Hubbell, selected writings, opinions, newspaper articles).]
[Prior Formal Reports of any candidates previously evaluated by the Committee.]