



2003 RESOLUTION

RESOLUTION 03-1

[To Establish, Implement and Administer Surveys of Judicial Candidate Qualifications in Contested Judicial Elections]

- Presented by:** **Board of Commissioners**
 ISB Committee on Judicial Integrity and Judicial Independence
- WHEREAS, An independent judiciary is essential if judges are to remain free to make difficult or unpopular decisions based on the law and not on the weight of public opinion; and
- WHEREAS, When judges are chosen through an election, it is imperative that members of the bar help to advise the electorate about the candidates' qualifications so that it may make an informed voting decision; and
- WHEREAS, During the 2002 Resolution Process, the issue of surveying the bar in contested judicial elections in Idaho was discussed among the membership and there was a consensus among the membership to further consider and pursue Surveys of Judicial Candidate Qualifications in contested elections; and
- WHEREAS, In response to the 2002 Resolution Process' discussion among the membership, the Idaho State Bar and its Committee on Judicial Integrity and Judicial Independence has further studied the propriety and viability of using Surveys of Judicial Candidate Qualifications in contested Idaho judicial elections; and
- WHEREAS, The Idaho State Bar and its Committee on Judicial Integrity and Judicial Independence solicited input from the judiciary through the administrative judges conference about Surveys of Judicial Candidate Qualifications and that input encouraged such Surveys of Judicial Candidate Qualifications; and
- WHEREAS, The Idaho State Bar, its Committee on Judicial Integrity and Judicial Independence and representatives of the Idaho judiciary generally agree that Surveys of Judicial Candidate Qualifications would be a useful to advise the electorate about judicial candidates in contested elections to enable the electorate to make more informed voting decisions;
- NOW, THEREFORE, BE IT RESOLVED THAT the Idaho State Bar, through its Committee on Judicial Integrity and Judicial Independence, with continuing input from the Idaho judiciary, determine the appropriate form, composition and structure of Surveys of Judicial Candidate Qualifications to be used in contested judicial elections and on or before January 1, 2005, establish the manner in which to implement and administer such Surveys and publicly disseminate the results of such Surveys.

Idaho State Bar Surveys of Judicial Candidate Qualifications in Contested Judicial Elections

Information Sheet

Why: To gather information from members of the bar to provide to the public about the qualifications of judicial candidates and educate the public about the essential qualifications of a good judge.

What: The program consists of developing questionnaires that will collect information from members of the bar about qualifications of judges. The questionnaires would be provided by email to Idaho attorneys in advance of a contested judicial election. Attorneys would respond by email and the data would be tabulated. The tabulated data would be provided to the candidates, and to the public through press releases prior to the election.

When: The survey will be sent, tabulated and provided to the public prior to a contested judicial election.

The Judicial Independence and Integrity Committee will monitor the program for effectiveness, and discuss possible changes or modifications, as well as make recommendations as to the continuation of the program.

How: A subcommittee of The Judicial Independence and Integrity Committee will prepare a draft survey for the Commission's approval. The Committee will review examples from other states and the survey currently used by the Idaho Judicial Council. The Committee will determine what are the 4-5 most essential characteristics of a good judge and what questions will obtain the best information about these characteristics for distribution to the public. The survey will not include a request for comment, only a numerical response to specific questions.

After the survey is developed and approved by the Commission it will be converted to an email survey to bar members. Prior to a contested judicial election the survey will be emailed to bar members. The Committee will also investigate the appropriate timing of the survey. Bar members will be asked to complete and return the survey electronically. The results will be tabulated electronically. To limit costs, the plan does not include hard copy mailings to those without email (75% of bar members have reported email addresses to the bar).

The ISB will then prepare a press release stating the statistical results. The results will also be provided immediately to the judicial candidates. The press release will be sent to the media (statewide or locally depending on the type of election) and any other interested parties.

Who: The Idaho State Bar will be responsible for developing the survey and disseminating the results. The Idaho Supreme Court staff will assist with the technical aspects of the process. The Idaho Supreme Court staff is developing the program that will allow the process to take place electronically.

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