

ILLINOIS STATE BAR ASSOCIATION

STANDING COMMITTEE ON JUDICIAL EVALUATIONS - COOK COUNTY

GUIDELINES FOR CONDUCTING JUDICIAL INVESTIGATIONS, INTERVIEWS, AND EVALUATIONS

(As amended by the ISBA Board of Governors on October 3, 2025)

I. GOAL OF JUDICIAL EVALUATIONS.

The goal of judicial evaluations is to produce fair, accurate, and complete evaluations of judicial candidates who seek evaluation. The following guidelines for investigating, interviewing, and evaluating judicial candidates have been designed to accomplish these objectives.

II. PLEDGE OF CONFIDENTIALITY.

The committee cannot arrive at a fair, accurate, and complete evaluation of any judicial candidate without the assurance that all proceedings are confidential to the extent allowed by the law. Therefore:

- every investigator assigned to investigate a judicial candidate and every person participating in the interview of a judicial candidate shall sign a confidentiality agreement; and
- every judicial candidate to be evaluated by the committee shall sign the Candidate's Judicial Evaluation Agreement, which contains a confidentiality provision.

Breaches or attempted breaches of confidentiality shall be reported to and reviewed by the committee. If the Executive Committee of the committee finds that a member has violated the pledge of confidentiality, they may request that the ISBA President remove the member from the committee.

III. INVESTIGATING JUDICIAL CANDIDATES.

A. **Overview.**

The goal of investigating any judicial candidate is to discover information about the candidate that will assist the committee in evaluating the candidate's qualifications.

Investigations begin with the judicial candidate submitting his/her completed questionnaires and waivers. After a candidate submits a completed questionnaire, one or more investigators will be assigned to conduct the investigation.

B. **Conducting an Investigation.**

1. **Conflict review.**

As an initial step, each investigator should review the judicial candidate's application. An investigator shall immediately recuse him/herself and return the candidate's application, if an investigator finds that she/he:

(a) has a relationship with the judicial candidate that might lead to a reasonable inference of bias on the part of the investigator;

(b) has made a campaign contribution to the judicial candidate at issue or another candidate in an election contest for the same vacancy; or

(c) has reason to believe that she/he cannot objectively fulfill her/his responsibility to investigate the judicial candidate because to a reasonable and credible third party there would be a credible and objective appearance of bias or impropriety.

After the above-noted conflict review is complete, investigators should confer and allocate responsibilities.

2. **Criteria for evaluating a judicial candidate.**

The committee evaluates candidates based on the extent to which they meet the criteria listed below. Investigators should explore the following areas:

- **Litigation experience.** A judicial candidate should have a thorough understanding of the entire legal process that one typically acquires through litigation experience. Substantial trial/litigation experience, although not essential, is nonetheless very important. Litigation experience to be considered can include substantial motion practice before state or federal courts, presenting evidence and legal argument before administrative tribunals acting in an adjudicatory capacity, and other similar activities. Significant contributions in other areas such as writings and academia may be considered for a lack of trial/litigation experience, particularly for appellate positions.

- **Professional experience.** The Illinois Constitution provides that no person shall be eligible to hold the office of judge or associate judge unless that person is a citizen of the United States, licensed to practice law in Illinois, and a resident of the unit that selects him or her. Anyone under consideration for an appellate court judge position or a circuit court judge position should have experience that demonstrates the candidate's ability to reason, communicate, write clearly and persuasively, make timely decisions, and exercise good judgment. Such experience can have been acquired from distinguished service in private practice, government or corporate legal positions, or academia and, if a candidate for the appellate court, as a trial court judge. significant professional experience.
- **Health and age.** The health and age of a judicial candidate are relevant only insofar as they affect the ability of a candidate to carry out the duties of the office and the number of years of service the candidate may be able to perform.
- **Legal knowledge and ability.** A judicial candidate's professional competence may be demonstrated by his/her professional writing; ability to analyze legal doctrines and principles of current case law and statutes; and performance as an attorney in and out of court. Investigators should inquire as to each reference's opportunities to evaluate the candidate's legal knowledge and skill. When investigating a judicial candidate, who is a practicing lawyer, the investigators should pay particular attention to the candidate's adversarial references. When investigating a sitting judge, an investigator should make an effort to contact lawyers who have not prevailed in cases before the judge.
- **Integrity.** A judicial candidate should be ethical, unbiased, honest, and sincere. A candidate should uphold the Rules of Professional Conduct and his/her personal conduct should be above reproach.
- **Sensitivity to diversity and bias.** A judicial candidate should interact with others appropriately to reduce or eliminate conduct or words that manifest bias based on race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status.
- **Judicial temperament.** A judicial candidate should be even-tempered, professional, and slow to anger. A candidate should not be excitable and should be able to deal effectively with stress and unexpected developments.
- **Diligence.** A judicial candidate should be thorough in research, careful in preparation, and hardworking. The candidate's work should be consistent, attentive, persistent, and careful.

- **Punctuality**. A judicial candidate should be prompt and punctual in the performance of his/her professional duties. The candidate should be able to manage a schedule, such as a court call, so as to give every matter the time it deserves. The candidate should recognize that the time of others is no less valuable than his/her own.
- **Impartiality**. A judicial candidate must be able to be impartial in all cases, free of predisposition and prejudice toward any matter or toward any individual appearing before him/her.
- **Professional conduct**. It is appropriate to inquire into the professional conduct of the candidate, whether the candidate is an attorney or sitting judge. Strict adherence to the Rules of Professional Conduct and/or the Code of Judicial Conduct and a pattern of behavior that reflects well on the profession, demonstrates a commitment to professional behavior.
- **Character**. The elements of good character are often best reflected in the opinions of those who come in contact with the candidate. What is the candidate's reputation for veracity? How does the candidate handle and account for money, especially clients' funds? Is the candidate patient? Does the candidate possess tact? Moreover, a candidate's character will often be demonstrated by participation in activities outside of the practice of law such as community service, charitable activities, and community activism.

3. Interviewing a judicial candidate's references.

(i) On-list and off-list references.

Investigators should contact at least 15 of the judicial candidate's references. The utmost respect and consideration should be accorded to the persons listed as references, so that they will be willing to participate in this process. Investigators should inform all persons contacted as references that the information they reveal, as well as their identity, would be kept confidential by the investigator to the extent allowed by the law.

Investigators should make every effort to gather additional information from individuals not listed as references on the judicial candidate's questionnaire. For example, investigators should attempt, through the initial set of interviews, to obtain names of other lawyers and judges who might know a judicial candidate, but who were not listed by the judicial candidate on his/her questionnaire, and then to interview a number of those individuals as well. Additionally, investigators should attempt to interview lawyers, judges, and others personally known to them who have relevant information about the judicial candidate.

Investigators should not contact or interview the judicial candidate during their investigation.

(ii) **Telephone interviews.**

Most, if not all, of the reference interviews will be conducted over the telephone. At the onset of the call, the investigator should establish how well the reference knows the judicial candidate and whether the reference has a personal relationship with the candidate. Praise from a reference with a personal relationship with a candidate should be weighed accordingly.

If the judicial candidate is a sitting judge, the investigator should determine how many times the attorney-reference has appeared before the judge, the nature of the cases, and whether the attorney prevailed in his/her case(s) before the judge-candidate. Praise from an attorney who lost a case before a judge-candidate should be given great weight.

The investigation is designed to obtain frank opinions about judicial candidates. While some lawyers and judges will be positive about all candidates and some will be negative about all candidates, most attorneys and judges will disclose useful information about the strengths and weaknesses of candidates -- particularly if asked specific questions about a candidate's legal ability, integrity, temperament, fairness, experience, respect for rule of law, and independence. Over the course of interviews, a pattern will usually develop. Investigators should note it and follow up on it.

If the investigator learns of concerns about a judicial candidate, he/she should ask all subsequent references about that aspect. An investigator should not say, "I have learned that the judge/attorney is constantly late. Is that your experience?" Investigators should phrase the question in a neutral manner. The investigator may ask, "What has been your experience with the candidate's punctuality?" If the concern involves a particularly sensitive nature, i.e., allegations of addictive or criminal behavior, the investigator should contact a member of the Special Issues Subcommittee. (See below.)

Investigators should tailor their questions to the practice of the judicial candidate. For example, it is appropriate to ask whether a candidate, who is a sitting judge and who presides over a divorce call, treats male and female litigants fairly. Similarly, it is appropriate to ask whether a candidate, who is a sitting judge and who presides over a juvenile call, conducts proceedings with respect and in a proper atmosphere.

4. **Review of judicial candidate writings.**

The investigator should review a sample of the judicial candidate's writing. Investigators may review a candidate's written opinions or sample. At a minimum, the candidate will have responded to the judicial candidate questionnaire. Both the substance and the quality of the writing should be reviewed.

5. Observing judicial candidates who are sitting judges.

If the candidate is a sitting judge, the investigator should go to court and observe the judge at work.

6. Completing the investigation.

Investigators should forward to the committee a team-approved written report three days prior to the date of the candidate's interview.

Investigators should make every effort to attend the interview of the judicial candidate they investigated.

C. Special Issues.

The Executive Committee is charged with addressing controversial issues discovered in the course of the investigation.

During the course of the investigation, if any investigator discovers information that she/he finds troubling or controversial or information which the investigator believes, in fairness, ought to be disclosed to the judicial candidate in advance of the interview, the investigator should contact a member of the Executive Committee to discuss the matter. The Executive Committee shall determine whether the information is credible. Credible information should be included in the investigators' report.

The Executive Committee shall determine whether a supplemental investigation is warranted and whether the allegations should be disclosed to the judicial candidate prior to the interview.

The Executive Committee shall apply a "professional courtesy standard" in favor of pre-disclosure. Disclosure of any information to the judicial candidate must protect the confidentiality of the information's source while fairly apprising the candidate of the allegation/information.

When the Executive Committee determines that pre-disclosure is warranted, the judicial candidate shall be allowed a fair opportunity to respond, including a reasonable continuance and the right to submit additional information and references.

If the judicial candidate elects to proceed with the interview without a continuance the Executive Committee will advise the candidate that the information and/or the allegations will be in the investigators' report and that the candidate may be questioned about the matter during the interview.

Regardless of when the judicial candidate is interviewed, the Executive Committee will advise the chair(s) of the interview panel of the issues presented to the subcommittee and the candidate's response. Either a representative of the Executive Committee or the chair of the interview panel will inform all members of the interview panel of the information and/or allegations uncovered and the candidate's response. An interview panel chair or a representative of the Executive Committee should be responsible for questioning the judicial candidate regarding the information or allegations at issue.

V. INTERVIEWING JUDICIAL CANDIDATES.

The Judicial Evaluations Committee – Cook County may, in its discretion, decline to investigate or postpone investigating, interviewing and/or rating any applicant, if that applicant has been found guilty of any criminal conduct, irrespective of the pendency of any appeal or post-trial proceedings, which would render that applicant ineligible to serve as a judge or which would directly impact their ability to serve out any portion of their terms as a judge.

As an initial step, each interviewer should review the judicial candidate's application. An interviewer shall immediately recuse him/herself and return the candidate's application, if an interviewer finds that she/he:

- (a) has a relationship with the judicial candidate that might lead to a reasonable inference of bias on the part of the investigator;
- (b) has made a campaign contribution to the judicial candidate at issue or another candidate in an election contest for the same vacancy; or
- (c) has reason to believe that she/he cannot objectively fulfill her/his responsibility to interview the judicial candidate because to a reasonable and credible third party there would be a credible and objective appearance of bias or impropriety.

Judicial candidate interviews serve many purposes. A subcommittee of the full committee will conduct the candidate's interview. Members of the subcommittee may question the candidate about any relevant issue, including those not answered in the candidate's materials and investigation and may explore the candidate's personality. At the interview, candidates have the opportunity to speak to the subcommittee about their qualifications and, if applicable, respond to criticisms uncovered in the course of the investigation.

Many interviews are uneventful and do not change the outcome of the evaluation. However, interviews are an important component of the evaluation process and can be very revealing.

Immediately prior to the interview, each member of the interview subcommittee should review the candidate's materials and the investigators' report. It is extremely important that the investigator(s) assigned to a candidate attend that candidate's interview to summarize the results of the investigation and to answer any follow-up questions from the subcommittee before or after the interview. Any investigator who is unable to attend the candidate's scheduled interview should immediately notify the committee chair.

The investigator should summarize the results of the investigation, state the nature of any open issues or concerns, and answer any follow-up questions. When the candidate enters the room, the subcommittee chair should advise the candidate of the nature of the interview process. Members should then proceed with questions to the candidate.

Examples of questions to ask would include the following:

- Please describe the most significant case you have handled.
- Why do you want to be a judge?
- Have you ever witnessed discrimination on the basis of race, gender, ethnicity, or sexual orientation on the part of lawyers, judges, or other courtroom personnel?
- Your experience has been primarily in civil/criminal proceedings. How would you handle an assignment to a criminal/civil courtroom?

In formulating questions, interviewers should be respectful to the candidate, even if they find the candidate's responses to be problematic. Follow-up questions may be appropriate when a candidate's response appears to evade the question. However, after two or three questions on the same topic, questioners should move on to a different subject. The interview subcommittee chair has the authority and responsibility to cut off unduly prolonged questioning on a single topic and to ask the interview committee to move on to a different topic.

As the interview is of limited duration, the interview subcommittee chair should take care to make sure that one interviewer does not dominate the interview. Interviewers should also take care to allow the judicial candidate ample opportunity to answer each question. Candidates should not be cut off in mid-answer. Conversely, however, interviewers should not allow the candidate to filibuster. Some candidates engage in lengthy monologues to avoid having to answer tough questions from the committee.

If the investigation turned up any significant issue or criticism, the judicial candidate should be asked about that issue during the interview. This is a question of fundamental fairness. In asking the candidate to respond to areas of concern uncovered during the investigation, the confidentiality of sources must be maintained. However, within the bounds of confidentiality allowed by the law, an interviewer should state the area(s) of concern and give the candidate an opportunity to respond. The chair is responsible for ensuring that questioning of this nature occurs whenever the investigation has revealed any significant issue or area of concern. Examples of these kinds of questions would include the following:

- “We have heard reports that your litigation style is overly aggressive; that you will not generally agree to brief extensions of time as a professional courtesy. How do you respond?”
- “We have heard reports that you typically leave the bench at 2:00 p.m. every day. Is this true, and if so, how do you typically spend the rest of the day?”

The chair should also allow each candidate to make a brief additional statement at the end of each interview.

During certain interview cycles, it may be necessary for simultaneous interviews to take place. In such circumstances, each subcommittee conducting an interview should follow the above guidelines. During simultaneous interviews, a subcommittee member who because of bias or personal knowledge of a candidate must recuse her/himself, may join another interview, if appropriate.

VI. JUDICIAL CANDIDATE RATINGS AND APPEALS OF RATINGS.

A. Rating Judicial Candidates.

Immediately following the interview, the interviewing subcommittee shall take an initial vote on the candidate's rating. If there are at least fifteen (15) members present, that vote can be ratified, and no separate ratification meeting is necessary. If simultaneous interviews are taking place, the various subcommittees may come together immediately following the scheduled interviews and ratify the respective ratings. If fewer than 15 committee members are present, a separate ratification meeting shall be scheduled. If a rating deadline is imminent or if other special circumstances exist, the executive committee may vote to suspend the 15-person requirement, provided the candidate has been advised and a waiver has been signed by the candidate.

A majority vote will decide each candidate's rating. The possible ratings for candidates are highly qualified, qualified, not qualified, and not recommended. Ratings will be based on the criteria for evaluation stated above and the candidate's interview.

B. Appealing Ratings.

A judicial candidate may appeal an evaluation of not qualified. No appeal may be taken from a rating of qualified or highly qualified. Additionally, a rating of "Not Recommended" is given to a candidate who does not participate in the evaluation process and no appeal may be taken.

Requests for appeals must be submitted to the ISBA, c/o Joyce Williams, or assignee, 20 S. Clark Street, Chicago Illinois 60603, seven calendar days after issuance of the initial rating. If time constraints require that notice of appeal be given before the seven days, the candidate will be given notice of such requirement and the reasons, therefore. The judicial candidate who appeals their rating may submit additional written information in support of the appeal.

Upon receipt of a candidate's request to appeal his/her rating, an appeal will be heard by the Appellate Panel consisting of at least three past chairs of the Judicial Evaluations Committee – Cook County. The Appellate Panel shall review all written material related to the rating and appeal and may request additional information from the investigation.

After such review, the Appellate Panel shall either affirm the ratified vote or refer the matter back to the committee for its re-consideration. The Appellate Panel does not have the authority to overturn the vote.

VI. RELEASE OF EVALUATIONS.

Evaluations will be released to the candidate, and the public or requesting agency.

VII. PREVIOUSLY RATED CANDIDATES.

A candidate who has received a rating of qualified or highly qualified maintains that rating for three years after the rating has been issued, and absent extraordinary circumstances, will retain that rating for any subsequent bids for the same or similar judicial office. However, a candidate who wishes to be evaluated for a higher judicial office must be re-evaluated, regardless of prior rating or length of time that has passed since prior evaluation:

A candidate who has received a “not qualified” rating for an appellate or Supreme Court position may request to be re-evaluated for a lower court position, regardless of length of time that has passed since prior evaluation.

A candidate who has received a rating of “not qualified” may request, after three years, to be re-evaluated, regardless of the seat being sought.

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