

## THE IDAHO JUDICIAL COUNCIL PROCESS:

### WHAT AN APPLICANT CAN EXPECT

1. **Question:** What are the qualifications needed for a judicial candidate under the Idaho Code?

**Answer:** To be appointed to the office of district judge, court of appeals judge or supreme court justice, at the time of such appointment, you must meet all of the following qualifications:

- Be at least thirty (30) years of age.
- Be a citizen of the United State and an elector of the state of Idaho.
- Have been or will be a legal resident of the state of Idaho for at least two (2) continuous years immediately preceding such appointment
- Have been in good standing as an active or judicial member of the Idaho State Bar for at least two (2) continuous years immediately preceding such appointment; and
- Have held a license to practice law or held a judicial office in one (1) or more jurisdictions for at least ten (10) continuous years immediately preceding such appointment.

2. **Question:** I would like to talk with the Council members before the interview, can I do this?

**Answer:** No. Rule 22 of the Idaho Judicial Council Rules of Procedure restricts all ex parte contacts.

3. **Question:** What is the protocol for the interview?

**Answer:** Interviews are usually thirty (30) minutes in length and each member of the Council is given the opportunity to ask questions. You will be allowed an opportunity for a short opening statement (about 2 minutes) and a short closing statement (about 2 minutes). As an active applicant, you will not be allowed to observe any other applicant's interview, to do so would inhibit the Judicial Council's questioning of the candidates. You are encouraged to attend interviews as long as the interviews do not relate to the vacancy for which you have applied.

4. **Question:** What are the Council members interested in seeing at the interviews?

**Answer:** The Idaho Judicial Council selection process is based solely upon merit selection criteria. You will be asked for your thoughtful comments on judicial

qualities and judicial administration. Your responses are evaluated; analytical reasoning, mental acuity and oral presentation skills are tested. The Idaho Judicial Council is looking for candidates that act and think like successful judges.

**5. Question:** How does the Idaho Judicial Council use the State Bar Survey results?

**Answer:** Prior to the interviews the Council will have received and reviewed the responses from the State Bar Survey and the public questionnaire. These responses are in a numerical rating format and also include written comments from the Bar members and the public. The numerical ratings for each applicant are provided to the applicant. No applicants will receive the scores of other applicants, nor will any applicant receive any of the written comments. You will be advised in general terms where you rank.

The Council looks for broad trends as disclosed by the ratings. Often the ratings show substantial differences between candidates. How an applicant is viewed by co-workers, peers, judges, and the community is one important piece in the selection process.

**6. Question:** What are the qualities of an "ideal judge".

**Answer:** Merit selection criteria are identified in the State Bar Survey as . . . .

1. Legal Ability and Experience: A successful judicial candidate should have substantial professional experience in dealing with legal issues and the trial court process. Trial work along with mediation and administration experience are key skills.
2. Integrity and Independence: A record of excellent character and integrity is required. Having a history of honesty, discretion and plain dealing with colleagues, clients and the court is paramount. Judicial integrity is the keystone of the judicial system and it allows the judge to act ethically and to make decisions solely on the facts and law. A judge with integrity will set aside personal preferences, personalities, and political influences in every instance.
3. Knowledge and Understanding of the Law: A high level of understanding of the principles of law and jurisprudence is required. Extensive experience in litigation and working familiarity with rules of evidence and procedure are also highly desirable. Professional achievement during one's work experience is an indicator of such legal ability.

4. Judicial Temperament and Demeanor: A candidate should show qualities of patience, open-mindedness, courtesy, tact, firmness, understanding, compassion and humility. A candidate should be able to deal with people calmly and courteously and should be willing to hear and consider the views of all sides in every instance. A good judge needs to be even-tempered, yet firm; open-minded, yet willing and able to reach a decision; confident yet not self-centered. Humility is a key attribute of a successful judge.
5. Other Key Skills and Attributes:
  - a. **Mental and physical capacity to fulfill the duties of judicial office.** A candidate should be in good mental and physical health. Good mental health also includes an absence of erratic behavior that would affect the candidate's ability to be a fair and impartial judge.
  - b. **Record of community involvement.** A candidate's nonlegal experience is important. A candidate's participation in public service, community and pro bono activities is considered.
  - c. **Devotion to improvement of the quality of justice.** A candidate should participate in proposing and supporting ways to improve or preserve the legal system through active membership in local, state and national professional associations.
  - d. **Demonstrated sound judgment in professional life.** A candidate should possess good work habits and the ability to set priorities. A candidate should meet deadlines, keep appointments and commitments, and respect the time of all persons involved in a lawsuit.

6. **Question:** I have heard from others who have applied and been interviewed that the Judicial Council will ask pointed questions about attorney comments, public comments, bar complaints, criminal history, credit reports, and, in general, the lack of certain skills or experience. How can I prepare for such questions?

**Answer:** There is no substitute for preparation for your interview. Only by undertaking a critical self analysis will you identify areas wherein you may fall short of those skills and experience of the ideal judge. Shortcomings in areas of temperament, experience, decision-making, conduct, etc., will generate questions from the Judicial Council. Ask friends and coworkers also for their insights about your 'judicial inventory'.

7. **Question:** I did not make the "short list". Can I follow up with the Judicial Council to find out why, and ask them where improvement is needed?

**Answer:** This question, by its terms, recognizes that a shortcoming in one or more of the merit selection criteria was the reason the candidate was not selected.

The Judicial Council is unable to counsel any candidate; to do so would disclose confidential information in violation of Idaho Judicial Council Rule of Procedure 22. It is expected that by insightful and critical self-evaluation a candidate should be able to identify those skills, experience, or personal attributes needing improvement. History has shown that a candidate rarely makes the short list on the first try. Underlying this reality is the fact that the successful candidate has made changes or taken steps to improve or broaden his/her skills, demeanor and/or experience. Further, in the event of a subsequent application, you may find that the pool of applicants has changed and with this comes different opportunities or advantages for a particular candidate.

8. **Question:** I feel optimistic about making the short list, however I feel I need experience in "judging" to be successful on the bench. Are new judges given training to perform their jobs?

**Answer:** Yes, there is a formal training program in place for newly selected judges. You will attend the National Judicial College and attend the New Judge Orientation wherein the specific skills related to on-bench conduct and decision making are taught. Further, you will be assigned a local mentor judge for ongoing collaboration and help. You will also be observed by a visiting senior judge and given confidential feedback on your progress. Ongoing educational programs and seminars will serve to keep your skills sharp.